

JANUARY 7, 2002
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, January 07, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney Carolyn Dahlgren, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- **Employee of the Month – Jack Refoir – Assessor’s Office**

Shannon Hurst and Lisa Gundenfelder were present for the award to Jack.

Shannon said Jack is a great employee and does whatever is necessary. He is a valued employee.

- **Margaret Long – Department of Social Services**

Teenagers in a Secure Facility – Bruce Christensen handed out some material that explained the situation of finding suitable secure facilities for teenagers and adults who have dual-diagnosis – Developmental Disabled and Aggressive Behaviors, some have sexual aggression as well. When the State entered into the Managed Care Contract system, they did not require any services for sexual dysfunctions nor was funding included. This is the problem.

Margaret provided a review of the situation stressing that it is crucial and access to Mental Health is a primary issue. Basically, there are two central issues involved that have created this problem of service delivery: Lack of appropriate placement resources and a huge gap in Mental Health related to dual-diagnosis cases. There are five cases that are termed ‘differential diagnoses and all are currently being treated in an out-of-state facility. After completing a thorough analysis of the situation, one of the barriers is financially related. What is necessary is to create awareness to local, regional, and statewide legislators, explore, and determine funded goals to eliminate these barriers. The analysis of current resources and placement resources for children is bleak; the developments of new or expanded resources are based on a revenue stream that is not flexible. Some funds could be re-directed. Then should all these plans take place there will be a necessity to stay on top of it by a continual review by the Board, the practitioners, and those who are administering the program. There are some pieces in place for the State.

Bruce added some additional clarification on what is going on saying that due to the crisis faced with the State on those under 21 years of age the Board has some financial responsibility for them until they are 21 years of age. Many cases have been mainstreamed in the Mountain Valley Developmental Services (MVDS).

Growth is up 46% in the last two censuses. One out of 100 will need services at a cost of \$50,000 per year per person. However, during the years they have only received funding for ten (10) additional slots. Additionally, the cost of going to other counties creates a cost to MVDS of \$80 a day over what the State pays. He added that MVDS receives 20% less from the County that they did in 1982. They cannot meet the increased demands at the level of funding. The State has said they are going to add additional funds. The State cannot use dollars to treat the mentally ill – it is a duplication of services. Eagle and Garfield are the highest in cost for services in the State. Colorado is the third fastest growing State in the United States. Chairman Martin mentioned there is a plan on how to address this and suggested that he would be willing to meet with Margaret and Bruce. This issue will be taken to CSI.

Additional discussion was held as to giving a proxy to Margaret Long to obtain the majority support for Special Needs Kids – Managed Care coming in from Mental Health – when there is a cap on the Managed Care Contract there is a problem.

Commissioner McCown stressed the need is for all 64 counties to be involved and CCI would be the best source to work on this.

Margaret said she has been working on this issue for 25 years.

Bruce – the State needs to work on this issue and agreed with Commissioner McCown that is was a statewide concern. Eagle and Garfield County are not the only counties facing these issues.

Margaret said she will continue to work on CCI and asked when a time was set to meet with Representative Gregg Rippey to let her know so she could work jointly on these issues.

- **Pat Tucker – Division of Wildlife – Westbank Boat Ramp and Garfield State Wildlife Area**

Tom Russell and Pat Tucker, area manager from Glenwood Springs were present.

Pat stated that he has been working with Tom of Road and Bridge on the *Westbank Boat Ramp*. There have been some issues with regard to surveys to get the correct information.

Tom said they met with Mr. Hoskins who had leased the property to Mr. Kris in the 1980's; they thought he was not going to renew the lease. However, as of last Friday, Mr. Hoskins did call and indicate he was willing to go forward with the lease. The goal is to get it up and running by this spring. Tom Russell is ready to go as soon as the lease is signed. The outfitters who use the area will provide a dumpster and a port-a-potty – this will solve some of the concerns of the local residents.

The Oil and Gas outfitters who are doing some development on Garfield Creek indicated they expect some traffic. Pat and Tom will be working with them on traffic issues that will have an affect on wildlife.

Pat gave an update on *hunting season* - they were down 40% last year from what they have been in the past – Rifle had a significant drop. This was partly due to the September 11, 2001 terrorist attack, the price increases, as well as and other issues that had a definite impact.

UMPTRA Review – Pat commented that he felt this was an oversight and the Division of Wildlife should have been contracted for input.

Chairman Martin informed Pat that there was a forthcoming meeting to be held in City Hall in Rifle on January 30, 2002.

Pat said the DOW would make a request to review it, and felt the comments would be similar to the concerns of Garfield County Commissioners.

Chairman Martin had several calls along the Roaring Fork River with respect to *duck hunting* regarding a limit or enforce rules.

Pat was out there on Saturday and talked to one of the Aspen Glen folks but this is also affecting Westbank Ranch and Coryell Ranch. Pat said he is open to suggestions – there are not that many duck hunting areas left for hunting.

The Board suggested monitoring to ensure no one gets hurt.

Pat did provide information to the hunters on trespassing; and he has made it a point of talking to the different Homeowners Associations about the problem. He added that they have the same problems on the Colorado River through the Canyon in Grand Junction.

Chairman Martin thanked the Division for their input in the review process of land use requests.

- ***Building and Planning Joint Meeting***

This meeting was originally scheduled for January 23, 2002 if the Board has no objections. The purpose of the meeting is to go over the goals for 2002 and obtain some ideas by the Board as well as an opportunity to see the some ideas from the staff's point of view. Mark suggested January 30 as an alternate at 6:30 p.m. The Board approved this; and a request was made for information as to what the staff had in mind as some *Building and Planning Commission*

Mark mentioned he had one application for the P & Z Commission. There are currently three (3) positions expiring and he has one alternative open; there is no term limit per se placed on the Commission.

- ***Consultant - Town of Vail – Private Activity Bonds Available***

Mark stated that Vail had received money for a variety of programs for housing via the State Housing Authority – for Garfield County the amount is set at \$1,642,163 available for programs under different issues – public or private projects for affordable housing, allows combinations of other areas, awarded back to CHAFA for housing projects, go into Statewide balances to help jurisdictions address these concerns. Tom Beard was appointed as a member of the Private Activity Bond Committee. After reviewing the grant, Tom said there may be some local interest and would be willing to meet with other individuals and come before the Commissioners. One catch to these funds, they have to be developed and sold by September 2002 and the application for such filed by the end of January. One project was the New Castle Senior Housing Project.

Mark said the allocations are based on population using the latest Census. These funds come from the State – it is a dedicated fund and the amount of money is \$1,642,163 – money used for a private activity bond. State suggested combining the funds with a second area in order to get the \$3 million level due to the cost of the legal bond counsel.

The Board suggested to have Mark speak with Tom Beard, possibly come, and brief them on January 14th. Mark Bean indicated he would make the appointment with Tom Beard.

- ***Town of Silt – Letter of Support – Grants for a Bike Trail***

A request has been made to the Board for some grants for a bike trail and reminded the Board of support for additional projects.

Ed asked if the Commissioners would be in favor of writing a letter of support.

Commissioner Stowe said that as long as it does not cost the County anything, we could support Ed said question number two is do we want to provide some in-kind support to assist in construction that bike path.

Chairman Martin mentioned it was minimal as it was along the frontage road for a small section that went from Lyons Subdivision into the existing trail and the Road and Bridge crew could handle it easy.

Commissioner Stowe said he would like that presented to the Board along with some dollar figures attached an

Ed summarized they would need to get an estimate from them and if we do this, what other project does it affect.

Commissioner McCown mentioned this would generate some questions from the lady in Battlement Mesa as to what is taking place down there on their bike trail that we agreed to look into.

Chairman Martin indicated that Tom has looked at that and explored other possibilities, met with the lady and will have a recommendation back to us as well.

- ***Ambulance Contracts***

Dale Hancock has receipts for inspections for Silt, Carbondale and Rifle and requested the Chair be authorized to sign the ambulance licenses for those agencies that will allow them to operate as ambulance service providers in Garfield County until January 6, 2003. Grand Valley, New Castle and Glenwood Springs applications have not yet been received and under a second part of this request, ask that the agencies be authorized to operate temporarily under their previously issued license until the 21st of January. There will an EMS Council meeting on January 16 where there may be other matters that Dale would like to apprise the Board of at the regular Board meeting on January 21.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the licenses for Carbondale, Silt, and Rifle; motion carried.

- ***Library Board Appointment***

Ed submitted a request from the Library Board that Tom Ken, who is currently an alternate, be appointed to fill Dr. Law's spot on the Board. Dr. Law has served for 13 years and has been very dedicated.

Commissioner McCown made a motion and seconded by Commissioner Stowe to appoint Tom Ken to fill the vacancy slot created by Dr. Law on the Library Board; motion carried.

- ***Salary Matrix***

Jesse submitted a copy of the salary matrix for all departments except for the Sheriff and explained how the proposed salaries were determined based on market and performance ratings. He stated that most of the employees (94%) are below market, 6% are above. The performance ratings go from outstanding to consistent contributors, and learner to inconsistent contributor.

The reason the Sheriff's Department was not included is that under Statute, the Sheriff proposes his own salary increases. He is allowed a 5% pool of funds totaling \$111,595. The Sheriff needs to allocate raises to his staff by name to the Board so they can approve.

A motion was made by Commissioner Stowe and seconded by Commissioner Stowe to authorize the Chair to sign a letter to the Sheriff explaining that his salary increases will be in the amount of \$111,595 to be allocated per employee as he sees fit and have that information back to this Board by noon on Thursday, January 10th and to authorize Jesse Smith and distribute the rest of the salary increases per the Merit Matrix. Motion carried.

- ***Department of the Interior - BLM - Application for Right of Way***

Dale Hancock submitted an application amendment for a right of way that was rejected by BLM and we have entered into a letter exchange. We've asked for an extension, we were denied, asked for another one, it was extended and now we have an answer dated January 9th that is up to the counsel for BLM, and then we need to respond as well on why we should be allowed to retain our license and also to use the facility as we see fit.

Dale said this goes back a year where he had filed a request on the 15th of December 2000 for a request for Special Use Permit application on Dog Head Mountain in that we had previously vacated the site but retained the right of way on the mountain. Dale added that he had entered into some discussions ironically with a private company at the suggestion of the Bureau of Land Management in that this company was more interested in trying to take advantage of an existing County right of way as opposed to situate their operations with another entity that has a communication site on Dog Head Mountain. Therefore, we went ahead and filed for the Special Use Permit and roughly, twelve months later we were rejected. Therefore, with Chairman Martin's direction, Dale said he drafted letters requesting appeal and a stay on the orders

that had been issued to deny but maintained the right of way. Where they are presently is they have had two continuances and as of today, January 9 then their counsel will need to response back to the administrative hearing officer as to what the Agency's position Dale said he was assuming there would be an appellate process from that time; some type of an order will be rendered. Chairman Martin said that counsel is addressing the concerns mentioned in our letter on October 26, 2001 and they had to the 9th of January to do that, but they didn't do it until December 19th on the order to tell the counsel to proceed, so it's been a real mess. Meanwhile, we are asking what is the appellate process after this answer of the 9th of January and do we need to proceed to protect our right of way which we actually have a senior license on that site. Commissioner McCown said the next step might be Ben Nighthorse Campbell and Senator Allard. Chairman Martin said what he would like to do is to allow Dale to work with Carolyn Dahlgren and bring her up to date on this particular issue and ask BLM through their hearing and appeal office out of Arlington, Virginia as to what is the next step.

Commissioner McCown cannot understand why it got to this spot.

Dale said their right of way agent advised the business interest to talk to the County because we were right of way holders.

Therefore, the County is still trying to sort out the problem.

Dale identified their area manager in the Glenwood Office – Mike Mottice was and now it is Ann Huber.

The County has in the past, when we were in the television business, had retained counsel on FCC matters. In anticipation of this matter being resolved, Dale did budget some legal money in the telecommunications budget in the event that our attorney's feel like it is something that is not up to them to be able to do. Dale said this is not just FCC, it is Federal Land Use Issues and currently it is about a piece of dirt. He said in general with the twelve mountain tops that we still have rights of way on, nine of which are in public lands; at some point these will likely need to be re-activated because they do provide communications capabilities throughout the County. If we continue on this, as was mentioned earlier, 4.6 growth figure, you're going to need to have the ability to have police, fire, ambulance, cellular and whatever means of communications that people require and we do have those rights of way.

Chairman Martin – and in going back and renewing all those licenses we are thinking of the future and keep them in place and make sure that we preserve our rights of way.

Dale said at the Dog Head Site they have UHF and VHF facilities in that site but currently is about a piece of dirt. On the related discussion mentioned by Chairman Martin about the licenses, we still retain twenty-five licenses that are in the VHF frequencies and we will likely have to renew those in 2002 because they were last issued in 1997 for a five-year period of time. These were rebroadcast for television, right now, we are holding them and we are broadcasting UPN on them as far as the FCC is concerned. We are broadcasting Channel 18 out of Grand Junction, which is the same as Channel 6 out of Denver – it is public broadcast television. This is still an income to Garfield County on a monthly basis; the telecom budget pays for itself from the site-lease revenues.

Don DeFord is aware and is favorable of getting Carolyn into the FAA briefing. Don will provide Carolyn with some background history and some of the correspondences.

- **Public Utilities Commission – Battlement Mesa** regarding the Battlement Mesa telephone issue. Chairman Martin mentioned that the County does have a signature request on the application to PUC – we need to follow up on that today. There is a group of citizens that meet with a new phone system for the Town of Parachute and possibly the school district that have different rates, etc. which may affect their support for the Resolution.

COUNTY ATTORNEY UPDATE – DON DEFORD

Carolyn Dahlgren gave the report.

- **Airport Maintenance Labor Issues**

Carolyn submitted the Airport Maintenance Labor Agreement that she was asked to review last December. This was an independent contractor agreement for someone to do maintenance out at the Airport. She said she was having a very difficult time seeing this as an independent contractor contract because Kenny really needs to supervise this person – they are not just mowing grass and plowing snow. This person needs to know the FAR's on certain aspects of Airport safety and Kenny needs to have control over this position from her perspective. The money has already been budgeted - \$25,500 and it is a line item currently for contract labor. There is a job description for a maintenance technician and she strongly advised this person be hired as a County part-employee.

A motion was made by Commissioner Stowe to approve a part-time person to handle Airport maintenance at 20 hours a week – just under 1,040 hours per year as a Maintenance Technician.

Commissioner McCown seconded; motion carried.

Brief Update on Design Build – Airport Terminal

Carolyn Dahlgren gave the Board a brief update stating the contract on the executive terminal at the Airport, despite the name on the standard AIA form, is not a design build contract. It is the first part of a series of contracts under the AIA format. This can be taken care of by adding some language that “the specific parties understand this contract, etc.” The RFP that Mr. Bond had responded to is attached as an Exhibit.

- ***Out-of State Placement***

Carolyn reported that she had a meeting with Mountain Development IHP; she has been deputized as a deputy district attorney to assist with this issue.

- ***Prehm Ranch Litigation – Westbank Ranch - Oak Lane***

Carolyn reminded the Board this was scheduled in court next week.

COMMISSIONER REPORT: REORGANIZATION

Chairman and Chair Pro-Tem Positions

A motion was made by Commissioner McCown placing Chairman Martin as the new Chairman and Chair Pro-Tem Commissioner Stowe for the year 2002. Commissioner Stowe seconded. Motion carried.

Commissioner Report

Commissioner Stowe – Henry Building Open House - Thursday

Commissioner McCown – Henry Building Open House from 1:00 PM. until 3:00 PM on Thursday;

Associated Governments 10:00 AM – City Hall – Glenwood Springs; Joint City/County Meeting – Tuesday 1/8/01 here in Room 301 at 7:00 AM.

Chairman Martin – Mayor’s Meeting in Silt on Tuesday 1/8 at 7:30 AM; Meeting tonight at the Courthouse with Carbondale and concerned citizens about Hwy. 133 at 6:00 PM; and Colorado Intermountain Fixed Guideway – Idaho Springs 9:00 AM – they are still working on putting a monorail on the I-70 Corridor from one end to the other. Subcommittee Meeting on Wilderness Proposals Wednesday 4 PM till 8:00 PM at CCI Headquarters; Transportation TRP 10:00 AM, Carbondale Town Hall and our Assistant Engineer will be there with all prioritized projects to present – Friday, 1-11.

Information on Meetings and Events

Dale Hancock – January 31st, Club 20 having its sari with the State Legislature and wanted to know if the Board was interested in attending, to let him know.

US Forest Workshop on Their Plan – Montrose – Martha Kettle

They will be submitting their plan for review.

County Health Pool – February 1st is Ed’s first County Health Pool Meeting of the year and this will be one in which the Eastern Counties will declare war on the big Counties and attempt to merge the two rates into one. It would mean a 15% savings for them and a 15% cost increase for Garfield County. Ed will try to get some support from Pitkin and Montrose Counties as well as others in the same boat as we are. Under this plan, Garfield County is considered a big County – anything over 100 employees – this is going to be the issue of contention. It actually includes all the smaller counties but it being led by the Eastern Counties.

CONSENT AGENDA

- a. Approve Bills
 - b. Renewal of Liquor License – Tolkien Tavern
 - c. Renewal of Liquor License – Narayan’s Nepal Restaurant
 - d. Sign Resolution and Special Use Permit for Brad Faber Floodplain for dredging two ponds and installation of connecting culvert.
 - e. Sign Hunt Exemption Plat and Resolution of Approval.
 - f. Sign Resolution of Approval for the Rifle South Wastewater Treatment Plant Floodplain Special Use Permit.
 - g. Sign Resolution and Special Use Permit for Edward and Gloria Wilks for an Accessory Dwelling Unit.
 - h. Approval of an Extension to the Subdivision Exemption for Donald and Matthew Van Hoose.
- Mildred Alsdorf mentioned the liquor licenses up for renewal have not had any negative reports made against them.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - h; carried.

PUBLIC MEETING:

CODE VIOLATION – ILLEGAL KENNEL – STEVE HACKETT

COMPLAINTS AGAINST: WILLIAM D. PINKHAM, 1565 COUNTY ROAD 125, GLENWOOD SPRINGS. ILLEGAL SLED DOG KENNEL

Attorney for Mr. Pinkham Bob Noone, Steve Hackett-Code Enforcer, Dr. Traul - President of the Homeowner's Association, plus some area residents including Pat Fitzgerald, and Dr. Rob Thorson were present.

Bob Noone mentioned that Mr. Pinkham was out-of-town.

Steve Hackett explained in a memo to the Commissioners that he had received a complaint early in November from the Springridge Place Homeowners Association and others regarding barking dogs and alleged that a kennel is being operated on property owned by Mr. Pinkham without a Special Use Permit or a legal building. Mr. Pinkham was given notice to completely correct the violations within thirty-days of the date the notice was received. The allowed time for compliance or enforcement of zoning regulation expired December 2, 2001 and was extended to January 7, 2002. Submittals included with Steve's Memo included: Dr. John M. Traul, Secretary of Homeowners Association; Bob Noone for Mr. Pinkham, Patrick Fitzgerald, and other correspondence from the Homeowner's Association.

Steve added that he had in the past suggested that Mr. Pinkham should submit either a Special Use Permit or a Zone-District Text Amendment to the Building and Planning Department. To date that has not transpired. Mr. Pinkham is more than 650' away from the Springridge property. It is located higher than Springridge and creates noise within the bowl where Springridge is located. Mr. Pinkham is aware that he is in violation of having more than 4 dogs on his property. They were requesting consideration of the matter by the Commissioners.

On December 28, Bob Noone submitted a Zone Text Amendment. Steve's reading of 10.04 says to him that upon receipt of this Zone Text Amendment that the Commissioners shall refer this to the Zoning Commission and expect a reply within 60 days. The question today is what is Steve to do with the kennel as it currently exists.

Steve submitted Exhibit A – 9 letters from concerned citizens.

Bob Noone – Mr. Pinkham acknowledges the Dog Control Resolution that was passed in 1999 that governs noise issues in Dry Park and throughout unincorporated Garfield County. He is fully prepared to comply and believes he is in full compliance with the dog control ordinance - his dogs are tethered at all times unless they are working. It's important to understand that these are working dogs, they've been bred for centuries to live outside and work outside and although they're highly socialized and are used to working with humans, they are not your domesticated pet which we believe the current kennel regulations are focused upon with respect to care, housing, and feeding. We have proposed that because the existing regulations do not permit a working sled dog operation in unincorporated Garfield County, that a dialogue be started with the Planning and Zoning Commission as to how to draft regulations that really do address and accommodate these important operations in Garfield County. They bring tourism to Garfield County, they are wonderful recreational opportunity, and they are quiet, non-polluting ways for citizens and visitors to get into the backcountry. That they are outdoor dogs requires that certain specific acknowledgements be made. Therefore, they have asked that this be referred to Planning and Zoning for further deliberation. Discussion was held with respect to finding a location that is further away from a subdivision; the legal status of these sled dogs in Garfield County; the noise complaints by neighbors; and the applicant's point of view of allowing sled dog kennels to be operated in Garfield County.

The Resolution on Kennels that was approved in 1995 was based on noise complaints.

Dr. Laura Palm spoke in favor of these sled dogs and voiced her concerns about keeping these northern sled dogs inside.

Bob Noone – Mr. Pinkham could not fit his sled dog operation in the square peg using an enclosed structure due to the dogs overheating.

Dr. Rob Thorson – based his remarks on personal experiences noting the tourism generated from sled dog races; backcountry accessibility; and submitted photos with sled dogs to make a point that there is a great deal of interest in sled dogs in this County. When he became aware of these kennel regulations, he noted that he has 300 patients that are sled dogs. Dogs never bark when in the backcountry. If they are required be kept inside there is a real danger that the dogs would suffer from being overheated. The current regulation is inhumane and felt there was some discrimination by allowing 100 horses but no more than 4 dogs. Dr. Thorson stated that he is a member of the Sled Dog Operations. He did not feel that Bill would tolerate a single dog barking and suggested someone document how much these dogs are barking. Hounds and other types of dogs tend to bark a lot. He feels strongly that it was very important to have that assurances with documented decibels of noise be determined.

Dr. Laurie Palm – supported what Dr. Thorson stated and commented as well that it would be inhumane treatment for these sled dogs to be in a structure that is likely to overheat them. She added that you cannot run a dog above 30 degrees - Alaskan Musher's adjust to warmer climates. Siberian Huskies such as Bill Pinkham's sled dogs, are very quiet – may bark at feeding time, during loading, or hooking them up to run. They are not bred to be watchdogs or alarm dogs. Terriers are great watchdogs.

Commissioner Stowe – what is a sled dog? – what is the definition?

Dr. Laurie Palm – said these are Northern breeds and are included in a certification program – Vets certify these are sled dogs. Salt Lake City is actively involved in getting Northern Breeds; she felt it was possible to build a facility that will deal with noise and yet not be inhumane to the dogs.

Commissioner McCown – stated that it was not the intent of this Board to discriminate – it is striking a balance and not creating an annoyance to the neighbors. If this can be drafted by the P & Z where this noise factor will be addressed, then the Board would look at it and go from there.

Steve Hackett mentioned that Mr. Noone referenced the Resolution 99-087 that was previously mentioned saying that is the one where in specific zonings one can have 4 dogs before needing a kennel. This is the one that the Sheriff is responsible to write citations. There is a difference and the zoning resolution for this issue; the only complaint is from the Homeowners Association.

Bob Noone added that numerous dogs bark at all hours in the areas nearby plus dogs at large, how can they be so dogmatic that it is Mr. Pinkham's dogs making the noise? The subdivision is about one mile away.

Steve Hackett verified the distance was 6,300' from the Springridge Subdivision – a little over a mile.

Al Beven – currently the president of the Springridge Homeowner's Association and we had an annual meeting last summer and at that there was nothing on their agenda concerning barking dogs or anything. From the outset, the most of us have dogs and love dogs – he personally likes to watch sled dogs races too on television and whatever, but voluntarily we had about four people at the meeting complain about hearing the barking dogs waking them up in the summer time when the windows are open. Al said he hears them too about 6 a.m. every morning. In the Springridge Subdivision we do have covenants that spell out that dogs have to be controlled within the yards so they do not allow their dogs to run loose either. There is a big concern about the barking and was very surprised to hear that they only bark in the morning, when they are fed, and then in the evening because he's been hiking up at Snowmass at the Kubenick site in the middle of the day and it's just incessant. He continued to express the Homeowner's Association concerns with 40 dogs and the noise factor of their barking. He said that all of the homeowners in that area are for documenting and getting the facts. There are 22 houses in the Subdivision.

Pat Fitzgerald – Manager for 500 acres adjoining Springridge – they have the sketch plan and planned unit development for 500 acres for 81 additional homes. Phase II will, if approved, have homes within 300 feet of Mr. Pinkham's. At one point in time he was Chair of the Building and Planning Commission – they outlawed more than 4 dogs – Mr. Pinkham continues in violations of those zoning regulations. He questioned if Mr. Pinkham would even abide by any new regulations. The new PUD, Phase II has 300 acres of open space. He also commented that this was not the place for this type of dog operation.

David Duset – voiced similar concerns saying he works at Kubenick – these dogs do not just bark at certain times, they bark in the middle of the night, in the day and at any disturbance. Fecal matter is also a concern – where a dog goes, nothing grows. He supports Pat Fitzgerald on the fact that Mr. Pinkham is in violation of a ruling last year. He also understood there were other issues that need to be mitigated. Did not realize the Sheriff was the appropriate route to take.

Dr. John Traul – lives in Springridge – they were there first – here is someone wanting a Special Use Permit after the fact – he does not want noise in their area. They are trying to keep this area from getting larger – Snowmass Village forced someone to move their kennel. He admitted that in Springridge Subdivision they have dogs that bark as well, however, they do not want these sled dogs to interfere with current residents.

Pat Fitzgerald – throughout the fall he was on site at the Springridge Phase II laying out roads, etc., the animals at Mr. Pinkham's house would begin barking at the slightest incident. They do not function at the textbook level.

Dr. Thorson – addressed the Kubenick Kennels saying there were between 200 and 400 dogs at this kennel and this was a significant point. As far as the language involving musher's in an operation with less than 40 dogs, he would like to see a dialogue continue and a decibel meter used to measure the noise to see how much these dogs are barking.

Laurie Palm suggested the Commissioners review the zoning, possibly reconsider the restriction, and add some clauses in the zoning for sled dogs in order to have this valuable sport dog breeding and kennel in order to keep them in this area for participation in races and access to backcountry with sled dogs.

Bob Noone reiterated the possibility of a Use by Right for up to 40 dogs on 35 acres or more in specific zonings.

Carolyn Dahlgren referenced to the Board that Steve has presented the issue of an illegal kennel and is requesting some direction. Mr. Noone has presented a request to have this referred to the Planning & Zoning Commission for possible reconsideration.

Dr. Thoroson and Dr. Palm both reiterated the impact to Bill Pinkham if he is forced to move over 36 dogs right away, then there would be no way in which he could humanly deal with his dogs and that would be one reason to try and work something out with sound proofing architecture and giving him some more time.

Commissioner McCown – asked Dr. Thoroson if he was aware of any action by Bill Pinkham to come up with any sound deafening or is he continuing to operate status quo as he was when he came before the Board asking for his application?

Dr. Thoroson commented that he thought Mr. Pinkham has given it a lot of thought about what to do, and as far as action, he does have a building there, but he has not been on site to see if there is any soundproofing in the building or not.

Bob Noone – Mr. Pinkham has hired an architect to do studies related to noise – decibel measurements and ways to mitigate any issues that may be related to the ordinance.

Commissioner McCown – clarified as long as it was outside. He is remaining adamant that these animals remain outside and not in a building.

Bob Noone – that is correct.

Commissioner McCown – an unheated building is going to be hotter than exercising their animals in the sun – it is not below 30 degrees in July in Garfield County.

Laurie Palm – yet, if sound is an issue, if he's going to have to move from outside to inside at five o'clock, there would be a lot of racket every time he's transferring the dogs from outside to inside and inside to outside so that part of the noise would continue. This will solve the issue from five o'clock at night until eight o'clock in the morning.

Mark Bean – reiterated this time period (the 5 pm and 8 am) is not the issue, our regulations do not distinguish time; the other issue is Mr. Pinkham was fully aware of our regulations before he bought this property. He knew he needed the Special Use Permit to allow this kennel operation to occur.

Dr. Traul – encouraged the Board to enforce the regulations at this time; if changed then it becomes a different situation. Asked the Board to enforce a cease and desist order until they make changes; however, he stressed the concern of many homeowners who request the Board not to change the regulations.

Steve Hackett – requested direction on enforcement.

Two Items

Motion on Item No. 1

Commissioner McCown – it appears to me that there is and has been for a year an ongoing kennel operation in process that is in violation of the zoning, I would authorize staff to issue a letter to cease and desist until said action is taken before the Planning & Zoning Commission and a favorable action from the Planning & Zoning Commission's Board to allow that; I will address the other action in a separate motion.

Commissioner Stowe – second. The fact that he's basically been given a year and I understand what Laurie and Rob have indicated that to have him move the dogs quickly is going to be a hardship on him, but in reality he's been in violation for twelve months and he knew it was coming.

Commissioner McCown – he was in violation prior to his coming before us to request a Special Use Permit to allow him to continue to do what he was in violation of doing.

Mark Bean – from a staff's point of view we would like to know if there's a time period reasonable for those dogs to be relocated.

Commissioner McCown – January 15th.

Commissioner Stowe amended his second.

Motion carried.

Bob Noone commented that this effectively deems all sled dog operation in Garfield County as illegal.

Commissioner Stowe – we also plan to refer this to the Planning and Zoning.

Bob Noone – so what you're saying here is there's no capacity to deal with the animals, over 300 animals would be affected if we're going to enforce this against one operation, and you're going to have to enforce it against all operations.

Item Number Two

Request is for a referral to the Planning & Zoning Commission for a Zone Text Amendment provided by Mr. Noone, Mr. Pinkham's attorney, for consideration of allowing sled dog operations.

Commissioner McCown – again, I do not have a problem with sled dog operations and kennels, but I do not think it is a Use by Right and I think that a Special Use Permit with conditions is necessary so that it can be governed and controlled and I would not recommend this being referred to P & Z.

Commissioner Stowe agreed – the mechanism is in place for a Special Use Permit. Mr. Pinkham was given the perimeters that he could mitigate when he came before us twelve months ago and he was unwilling to do that for cost or whatever other reasons. In addition, an unheated building in the wintertime even though they would have to be inside would mitigate the sound and it would be cold. I realize there is a containment issue there but we have also explored and talked about opened-top structures.

Laurie Palm – is the opened-top an option?

Commissioner Stowe – I do not know, it is something we could definitely entertain – the real problem is the noise ordinance and that could be re-discussed in the kennel operation, but an engineer will be necessary to come in and say that. Presently, it is not an option; it has to be an enclosed building. If this Board or a future board can be satisfied that the noise mitigation could happen in an open-top building with appropriate acoustical design and in this day and age, I believe that engineering ability is out there. There are ways to do it, but it is not cheap.

Commissioner McCown – the noise mitigation is the key whether it's an open top, retractable top, solid top, this is not an issue as long as it's enclosed to mitigate the sound – it cannot emanate from the property line.

Bob Noone clarified saying there are two presumptions: 1) that there is a noise problem – this has not been proven today, there are discussions largely centered on this.

Commissioner McCown – let me stop you, the problem and we're not presuming, is that he is in violation – that is the action we just took, not that the dogs are barking, he is in violation and has been for one year.

Chairman Martin – and that is the more than four dogs without a Special Use Permit.

Commissioner McCown, yes and the fact that we want to open every 35 acre parcel in Garfield County for a Use by Right Kennel is not something I want to go into, so I am not recommending that we forward to P & Z and that was in my motion, but we are doing this because the dogs are barking. We are doing this because he is in violation of our zoning code.

Bob Noone – the question is then, relative equities - what is the emergency requiring him to dispose of 40 animals in 7 days and there's no other demonstrated emergency – no other imperative perimeter for this drastic action be imposed on Mr. Pinkham – you are essentially giving these dogs a death sentence.

Commissioner McCown – because he has completely, with his love for these animals has blatant disregard for our direction and disapproval of this kennel a year ago, he has continued to run the operation knowing it is an illegal operation. We have given him a year and another 60 days since the violation was noticed.

Bob Noone mentioned that his client is not in town and not expected to be in town until after January 15.

Chairman Martin – supported the need that the client needs to be in town to serve notice and at least a two to three-week period would suffice, as he has to arrange for 40 dogs.

Steve Hackett – it would be my recommendation to allow an extension for a longer period for compliance.

Chairman Martin noted that there is a motion that has been passed allowing Mr. Pinkham seven days to comply.

Commissioner McCown noted there is a motion currently before the Board that was seconded not allowing the request for a Zone District Text Amendment to be forwarded to P & Z and to leave it as a Special Use Permit activity not making it a Use by Right.

Motion carried.

New Motion

Commissioner McCown – on the first motion, I would make another motion giving the date of the Cease and Desist Order to be January 31. *Commissioner Stowe* second; and what is the option if they are in violation of that?

Carolyn Dahlgren – then we would have the opportunity to go to court.

Motion carried.

Commissioner Minutes – June – December 2001

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Commissioner Minutes of June 4, 2001 June 11, 2001 June 18, 2001 June 22, 2001 July 9, 2001 July 16, 2001 July 30, 2001 July 31, 2001 August 1, 2001 August 6, 2001 August 13, 2001 August 20, 2001 August 20, 2001 August 28, 2001 September 4, 2001 September 10, 2001 September 17, 2001 September 24, 2001 September 28, 2001 October 1, 2001 October 8, 2001 October 11, 2001 October 22, 2001 October 29, 2001 November 5, 2001 November 15, 2001 November 19, 2001 December 3, 2001 December 10, 2001 December 17, 2001 and December 20, 2001.

Motion carried.

PUBLIC HEARINGS:

Chairman Martin swore in Shannon Hurst and she presented the abatements as follows:

Abatement: Jean Marie Stropnický – Schedule No. M004359; Abatement No. 02-023 - \$66.92

This is abatement No. 02-023 – Manufactured Home M 004359 for \$66.92 – this home was taken to the dump and the Assessor's office has not been able to contract the owners.

Shannon recommended approval of this abatement.

Abatement: Elbie & Wilma Gann Memorial Foundation

Schedule No. R006153, Abatement No. 02-024

Shannon Hurst presented the abatement saying the Division of Property Tax determined that an exemption should be granted with an effective date of January 1, 2000 so we need to abate all the taxes for the year 2000. The abatement totals \$ 4018.76 and she recommended approval of the abatement.

Motion

Commissioner McCown made a motion to abate the taxes on Schedule No. M 004359, Abatement No. 02-23 for \$66.92 and Schedule R006153, Abatement No. 02-024 for \$4018.76 as presented by Shannon Hurst County Assessor, and authorize the Chair to sign; Commissioner Stowe seconded, motion carried.

REQUEST FOR APPROVAL FOR AN EXEMPTION FROM THE RULES OF SUBDIVISION LOCATED: SOUTH OF BATTLEMENT MESA PUD – 0318 COUNTY ROAD 303, PARACHUTE, CO. APPLICANTS: MELBA M. AND HAROLD J. CARPENDER (1/2 INTEREST) AND GAIL L. MARTIN (1/2 INTEREST).

Carolyn Dahlgren, Tom Stuver, Linda Hansen local agent, Kit Lyon and Mark Bean were present.

This is a public meeting and noticing was required.

Carolyn reviewed the noticing with Tom Stuver and determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin entered the notices, posting and publication into the record.

Kit submitted the project information and staff comments saying this was a request for approval for an exemption from the rules of subdivision located south of Battlement Mesa PUD. This request for an exemption for a Subdivision on a 40 +/- acre tract south of the Battlement Mesa PUD. The site contains a portion of Stone Quarry and Monument Gulches. An existing house and shed occupy proposed Parcel One (1).

She added that the Commissioners have the discretionary power to exempt a division of land from the definition of subdivision provided such exemption will not impair or defeat the stated purpose of the Subdivision Regulations nor be detrimental to the general public welfare. The application is a request to divide the 40 acres into two (2) residential lots of approximately 20 acres each in size.

Kit continued to review the major issues and concerns, staff recommended findings, and

Recommendation:

Staff recommends approval of this application with the following conditions.

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 feet wide access to a public right of way, and any proposed easements for setback, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days (until 5/7/02) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption.
4. 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.

5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be in compliance.
6. All recommendations made by the Grand Valley Fire Protection District (GVFPD), in their letter dated 12/14/01, shall be followed for existing and proposed residences: A storage tank at least 2,500 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional; Residences larger than 3,500 square feet must provide both adequate storage and a sprinkler system; Access/egress and defensible space shall meet the CSFS NFPA standard; Sprinkler systems shall adhere to NFPA 13D and shall be approved by the GVFPD and supplied from cistern; However, the applicant shall either provide the fire protection cisterns as part of the domestic water delivery system, or shall provide separate fire protection storage and evidence of the necessary legal water rights to fill said storage.
7. Only one access to the parcels from County Road 303 shall be provided and an access permit shall be obtained from the Road and Bridge Department for the access. The access shall be maintained adequately to accommodate the weights and turning radiuses of emergency apparatus to permit access during adverse weather conditions. A legal road sharing agreement, which discusses all costs associated with the maintenance of the road, which will be responsible for paying these costs, and how assessments will be made for these costs, shall be filed with the exemption plat. A thirty-foot (30') right of way along the entire northern boundary of the property shall be dedicated to the property, and the fences shall be moved or removed in order to be consistent with the right of way boundaries.
8. Prior to the signing of a plat, all physical water supplies shall demonstrate the following:
 1. That a four (4) hour pump test be performed on the well to be used.
 2. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 3. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing 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 two (2) dwelling units;
 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;
9. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
10. A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing, in the event that the mineral rights have been severed.
11. 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 owner's 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 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."

"Only one further division of the 80 acre parent parcel (the NE ¼ NW ¼ and the NW ¼ NE ¼ of Section 20, Township 7 South, Range 95 West of the 6th Principle Meridian) by exemption from the rules of subdivision is possible under the current regulations."

"Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

"All recommendations made by the Grand Valley Fire Protection District shall be followed. A storage tank at least 2,500 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional. Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system. Access/egress and defensible space shall meet the CSFS NFPA 200 standard. Sprinkler systems shall adhere to NFPA 13D. Sprinklers shall be approved and supplied from cistern."

"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."

Kit suggested a change to No. 6 dealing with the Fire Protection District Issues and suggested a change to the last sentence at the top of page 6, which starts "however, the applicant shall either provide fire protection cisterns as part of the domestic delivery system or shall provide separate fire protection storage" and strike out the rest of that sentence that say "evidence, etc. and replace it with "the cistern waters shall be used for no other purpose than fire protection."

Tom Stuver said they have no dispute with the staff report.

Discussion was held with respect to the total frontage road verifying it was ¼ mile on CR 303. is ¼. The existing driveway comes in north of the existing home – an interior drive would be a 600' driveway; other restrictions in the County that discourages this long of a driveway. Their request is that the Board not require a joint driveway. Width is 30' from centerline; the plat shows 21' from the fence line. If 30' were dedicated from the centerline that would be satisfactory.

Kit verified that is the recommendation.

Tom Stuver said removing the existing fences is not an immediate requirement – it is in pasture and would request holding off until the road would be widened.

Kit corrected the school acquisition fees were incorrectly stated in the staff report and should be \$200 not \$400.

Chairman Martin asked for clarification if this action would create a future land-locked situation and referenced a potential request that would include use of CR 303 versus 354.

Tom Stuver said this forty-acre came off of an 80-acre parcel off CR 303.

Chairman Martin said they might be asking for a 60' right of way.

Carolyn Dahlgren mentioned having a deeded right of way versus a plat note in order to clarify future use.

Tom suggested showing the dedication and accompanying deed with a right of way deed

Carolyn explained that the exemption.

Mark had discussion with John Savage, the Hunts and Don DeFord; Don agreed a deed was the most appropriate way to deal with a right of way.

Tom would like to see some appropriate language be made available to them.

Mark mentioned, the access as approved is the only access approved and any amendment would require further review.

One access is being requested. Condition No. 7 would need to be changed to prevent an additional access.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the rules from the subdivision regarding the Carpenter/Martin exemptions with conditions of approval recommended by staff with corrections noted to No. 6 to read "however, either the applicant shall either provide the fire protection cisterns as part of the domestic delivery system or shall provide a separate system; No. 7, I would change that to read "will allow one additional access to Parcel Two (2) along with 30' right of way from the section line or centerline of the roadway, shall be dedicated to the property and the fences shall be moved or removed in case of a change of use or the need to improve the roadway.

Commissioner Stowe – second.

Kit requested clarification on the fences being moved or removed.

Commissioner McCown – when a change of use occurs or the need to improve the roadway, widen, improve, whatever, any improvement or changes to the roadway.

Carolyn Dahlgren – on No. 7 do we also need to remove some of the language about a legal road sharing agreement?

Commissioner McCown amended his motion to remove the wording mentioned by Carolyn in Condition No. 7 and Commissioner Stowe amended his second clarifying in No. 7 “removes a legal road sharing agreement but leaves the emergency turn-around for fire equipment.” Motion carried.

Follow up by Building and Planning on County Road 354

Chairman Martin – we still need to research this area on those properties that in that area on the Subdivision that was in 1981 and it had access off 354 road but 354 road does not go in so they had a secondary access off 303. The name of the Subdivision is unknown but it was a piece of evidence by Mr. Mulhall. This may cause us considerable grief in the future. He has a plat as an exhibit into his case, but we did not get a copy.

REQUEST TO CONSIDER THE APPROVAL OF A RESOLUTION OF APPROVAL FOR THE SPRING VALLEY RANCH PUD SUBDIVISION PRELIMINARY PLAN

Mark Bean presented that in the interest of trying to get this out for review, he has had a number of comments come back to the Board since they have received their copies.

Discussion was held with respect to these clarifications and changes.

The Board directed Mark Bean to bring this back to them in a final form and that it could be placed on the Consent Agenda.

Weed Management Board

Ed requested direction on the Weed Board asking if Steve Anthony and the existing Weed Board could be approved to do interviews and make recommendations to the Board later this month; also to give the list to the municipalities of who is currently serving on their behalf and request updates.

The Board approved.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn until Tuesday for the City/County Work session; motion carried.

Attest:

Chairman of the Board

JANUARY 14, 2002
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, January 14, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Nancy Limbach - ARC Board – Resource Center for adults and children. Related to the discussion last week regarding treatment centers for the mentally ill youth with Dual Diagnosis (DD). Her son is one of these local youth. He is 16-years old and suffers from posttraumatic stress disorder. She relayed the problems they have encountered with the system and the frustration of finding a place for this youth with disorders. The youth was placed in Pueblo and was there for a month.

Nancy said she appeared today before the Board to voice support for a residential treatment center in Garfield County. Most facilities are out-of-state – in the Carolinas. There are up to ten (10) youth in this area waiting for placement. And there are over 100 kids in the State of Colorado who are in the same place of finding a facility to treat.

Chairman Martin assured her the Board was working on this issue as well as with Representative Gregg Rippey, Margaret Long and others in the service delivery system.

COUNTY MANAGER UPDATE – ED GREEN

Garfield County Legal Services – Rent Waiver Request

Cheryl Hurst came before the Board and successfully convinced the Commissioners not to begin charging rent to Legal Services due to the short notice given, the fact that their budget for 2002 did not include rent and it would cost them \$15,000 in 2002 that would be very difficult if not impossible to pay. She mentioned the rent had been waived in the past and requested the same occur for this year.

Jesse Green explained how the new accounting practices mandate that all spending be accounted for. The federal Government Accounting Standards Board (GASB) requires the new accounting to be in place by 2003.

The new line item accounting will be uniform for all government agencies. If the Board chooses to waive the rent, then it would have to show up as a grant in the County budget.

Cheryl explained that Legal Services assists about 1,500 low-income people each year including 375 victims of domestic violence. They also advocate for the civil rights of area nursing home residents. They sponsor Tuesday Night Bar where people can ask lawyers about civil law matters and conduct do-it-yourself divorce and custody classes. She explained how Legal Services uses the rent waiver as an in-kind match when applying for grants. She said the rent is leveraged into \$32,000 worth of grants. Therefore, this would also jeopardize those grants. In addition, if they have to find new grants to pay this rent, they will have less time to provide client services.

Mac Myers made a plea on behalf of Legal Services and the rent waiver being requested by mentioning that legal services provide legal services for low-income and indigent people and this is a vital service.

Motion

A motion was made by Commissioner Stowe that at least for this year that we go ahead and make the grant of approximately \$15,000 to offset the rental income for Garfield Legal Service for the coming year of 2002 and review at the end of the year so see if this is where we want to go in the future and authorization to amend the existing Human Services Agreement to include that amount. Commissioner McCown seconded; motion carried.

Status of RFP for Alternate Route to Highway 82 – Randy Withee

Randy Withee gave the report saying that an RFP for the Alternate Route to Highway 82 has been published and the scope of the RFP consists of a preliminary road, alignment section, selection of and include a new State Highway 82 Intersection, the new Roaring Fork Bridge, River Bridge, Roadway Improvements from the Bridge to Midland Avenue South of its Intersection with Four Mile Road and Roadway Improvements from the Bridge to near Highway 82. However, the final design of the new Highway 82 Intersection will be completed by the staff of C-DOT. The proposals are due by January 22, 2002 and in talking to Larry Thompson from the City of Glenwood, there appears to be about 38 firms interested. The selecting team that the City would like to have consists of a member of the City Council, a

County Commissioner, the City Manager of Glenwood Springs, City Public Works Director, City Engineer, County Manager, County Road and Bridge Director, County Engineer and C-DOT Representative.

Ed commented that it takes about an hour to review the proposals for one firm; it takes a lot of time to commit to the process.

Randy stated that Don DeFord did look at the RFP.

Commissioner Stowe volunteered to serve if this could wait until after the 29th of January.

Randy estimated between 7 – 10 will actually submit proposals. The review committee will probably be meeting the last week in January. The first review is to get down to 3-4, then a more comprehensive review.

Appoint Board Members – Noxious Weed Board – Steve Anthony

Steve Anthony said there were five vacancies that were advertised before Christmas in the newspaper and they had four responses. Steve added that it was a good group and he has had the opportunity to speak to all of them. The candidates he is recommended include: Steve Carcaterra with Glenwood Springs – the former extension agent for many years; Wayne Ives with the Forest Service out of Carbondale and runs their weed programs for the Sopris Range District; Al Loriet who's with the City of Glenwood, Parks and Recreation Department and has had previous experience serving of a Weed Board – he used to work for the Town of Breckenridge and Veona Lloyd who's a landscape architect and she lives on CR 243 outside of New Castle and is interested in Vegetation Ecology and zeroscape design.

Steve submitted a current list of Board members, the areas they represent and when their terms expire.

The Board would like to see an interested individual from the Parachute area.

Motion

Commissioner McCown made a motion to approve the Board Members recommended by the Weed Board and the Director Steve Anthony: Steve Carcaterra, Wayne Ives, Al Loriet and Veona Lloyd for the Weed Board with appropriate terms that they would service. Commissioner Stowe seconded. Motion carried.

Steve said these terms are 3-years and will be coming off in 2005.

Mayors Meeting

Chairman Martin mentioned he contacted the Mayor's meetings to go ahead and look at the Weed Program and look at adopting a Weed Ordinance. This includes contacting others from the towns and cities that do not have anything in place.

Appointment of Fair Board Members

Ed mentioned that a Copy of the Fairboard by-Laws was given as well as a list of current members and prospective members.

Commissioner McCown requested to set aside until after Executive Session as he has a personnel issue he would like regarding this matter.

Approval of Employee Salaries

Jesse submitted the final spread sheets showing the employee salaries based on the discussion held January 7th. Jesse explained the spreadsheets and stated that all county employees are within 80% of the market range. Jesse requested approval of the salaries in order to start these for the January payroll. He added that the Sheriff is working on his – Jesse met with Tom and his administrative staff – they agreed to do performance reviews and when these are done, increases will be assigned. This can be implemented in February and made retroactive to January 2002. Ranges are set at 80% to 120% - very few over 110% above market.

Judy, Ed or Jesse has volunteered to sit in on the reviews.

Next year when inflation is imposed, it will drop those 17 people down by salary increases will

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Employee Salaries and to authorize the payment also to authorize the supplements to be completed in February retroactive to January as submitted by Jesse Smith. Motion carried.

PUC Application Approval for Local Calling

Dale Hancock presented the Public Utility Commission application that extends the calling area in Garfield County for local calling – this was started in June of 2000.

Motion

Commissioner Stowe made a motion to authorize the signature of this document. Commissioner McCown seconded; carried.

Healthy Beginning Fundraising Resource Dinner

Ed mentioned Lisa Pavislisk has requested support. Last year the County provided \$300 – this year, they are requesting \$1,000 due to the loss of supporters. This will be held March 14 – starting with 5:00 PM with the social gathering, dinner at 6:00 PM and the dance at 7:00 PM. It is a formal event.

Motion

Commissioner McCown made a motion to authorize the contribution of \$750 to the Healthy Beginnings Fundraising Dinner Event to be held on March 14. Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Approval of Agreement for Services – Child Support Enforcement

Don DeFord presented the agreement with Sherry Coloia for the Child Support Enforcement Services. As part of this, \$45,000 has been budgeted and when this is phased into Don DeFord's office, it will be pro-rated back to the County Attorney. Both Don DeFord and Carolyn Dahlgren are legally and technically in the loop.

Motion

Commissioner McCown made a motion to approve the Agreement for Services for the Child Support Enforcement and authorize all three Commissioners to sign. Motion carried.

Don mentioned he is advertising to fill Jim Leuthueser's position – and hopefully they will get enough applications to take a second look for applicants for a half-time attorney as well. Motion carried.

Update in County Attorney's Office

Vacation of CR 209 – Brush Creek

Discussion have been held Richard Kessler – CR 209, Brush Creek – consideration of vacation to that entire road – no petition – 11 miles or County Road and Public Road.

Formation of a Recreation District

Discussions have been held with Eagle and Pitkin Counties regarding the formation of a Recreation District with a first draft by Mark Fuller. For Garfield County it would include CR 100 to the Eagle County line; then Basalt, El Zebel to Snowmass Canyon. The Board may hear about this from their constituents. There is a potential in May of this year for a possible election process.

Executive Session Regarding: Pinkham Zone Text Amendment; Personnel Issue; Ongoing Litigation; Relation with other County Officials; 106 Action on the Pinkham; and a Personnel Issue stated previously by Commissioner McCown.

Don requested that Mark Bean and Judy Osman remain for the Personnel Issue; Dale Hancock for the Personnel Issue discussion requested by Commissioner McCown; then Jesse Smith, Ed Green, Dale Hancock, Mildred Alsdorf, Carolyn Dahlgren and he remain for the other discussions.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items.

Motion carried.

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

Action Taken

Fairboard and Commissioners Meeting

Motion

Commissioner McCown made a motion to set a special meeting of the Board of County Commissioners with the Fairboard for February 12, 2002 at 7:00 PM at the North Hall at the Fairgrounds; Commissioner Stowe seconded; motion carried.

This will be to discuss the By-Laws and the budget.

Pinkham Zoning Issue – Bob Noone - Authorization of Letter

Commissioner Stowe made a motion to authorize a draft a letter to Attorney Bob Noone that was presented by Carolyn Dahlgren concerning the Pinkham zoning. Commissioner McCown seconded. Motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Personnel Meeting 1:30 PM; and Community Corrections on Thursday at noon.

Last Monday night in Carbondale at City Hall several attended to discuss County Road 133 and putting that as a priority for the upcoming STIP Funds for the 8th pot of C-DOT funds.

Commissioner McCown – Communication Board 1:30 PM Wednesday. And he commended Mildred Alsdorf and Georgia Chamberlain and whoever else had a part in the Grand Opening last Thursday on the Henry Building and the Open House – it was very nice.

Chairman Martin – Friday, 10:00 AM the Intermountain TRP Transportation Advisory Board for the Intermountain Region met with Owen Leonard and Mick Ireland who is the Chair to discuss everything from the 5-County area and all the projects they've put together – this will go to the staff meeting on Thursday at the main headquarters. Thursday, Community Corrections. Attended CCI Meeting on Thursday last week to discuss the Moffat County way of handling Federal Lands within their district – the new and approved version of what they wish to propose to take to Congress to see if they get things done is available for review; also discussed the different Counties affected by the Wilderness Proposals either local, national, state and come up with a Resolution and that was to take place on Friday. CCI meeting the 18th on all the subcommittees including Human Services; Taxation – tax incremental financing act proposal to change that which is the Downtown Development Association – all it does to change it is to say that it's a requirement to get an IGA from all of the Special Districts affected by the boundary to participate - HB 1058; currently the municipalities can do this without consultation – this would require that consultation.

CONSENT AGENDA

- a. Approve Bills
- b. Sign the Resolution of Approval for PUD Plan and Text Amendments and Preliminary Plan for the Stirling Ranch PUD (aka Sun Mesa PUD) Subdivision
- c. Sign Special Use Permit for Ron Van Meter
- d. Sign Resolution of Approval for a Conditional Use Permit for Los Amigos Partnership
- e. Sign Resolution concerned with the Approval of a Preliminary Plan for Spring Valley Ranch PUD Subdivision
- f. Sign Special Use Permit for American Soda LLP
- g. Sign Special Use Permit for First American Financial, LLC.
- h. Sign Special Use Permit for Elana McNulty
- i. Sign Special Use Permit For Craig & Elisa Schultz
- j. Sign a Partial Release of Subdivision Improvements for the Rose Ranch Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items A – J.

Commissioner McCown – aye on A – J; Commissioner Stowe – aye on A – J; Chairman Martin – aye on items A – D and F – J; nay on item E -

Spring Valley PUD Resolution.

REGULAR AGENDA - PUBLIC HEARINGS

REQUEST FOR CONSIDERATION OF RESOLUTION VACATING RIGHT OF WAY ADJOINING ARAPAHOE DRIVE AT INTERSECTION OF COMACHERO TRAIL IN THE ELK CREEK DEVELOPMENT. APPLICANT – RICHARD AND EILEEN KOCK

Carolyn Dahlgren, Eileen Kock, and Mark Bean were present.

Carolyn said the County was in charge of sending notices and she has the originals of the returned receipts, the notice of publication, Section 42.2.303(2)(b) requires at least 10 days notice and she has proof that has been provided by publication and by mail to the addresses of landowners who own one acre or more of land adjacent to the roadway.

Chairman Martin swore in the speakers.

Carolyn Dahlgren submitted the following Exhibits: Exhibit A – Notice of Publication and Mailing; Exhibit B - Application and a copy of the Amended Final Plat; and Exhibit C – Complete Application.

Chairman Martin entered Exhibits A – C into the record.

Carolyn Dahlgren gave a review of the request saying this was a written request to Mr. Bean asking for a vacation of a roadway in order to allow the applicant to proceed with some building they wish to do and also to take care of some already existing landscaping and a water meter; the applicant has stated that this vacation of the right of way would in no way affect the maintenance of Apache Drive. Applicant Eileen Kock explained that this came about due to the home that was built in the 1970's and has been remodeling several times. They have owned the home 10 years this March and they want to take down the existing carport and improve the property by putting a garage on with a storage/office in the back.

They had it surveyed because 10 years ago, they purchased three lots, lots 7, 8 and 9 and when they remodeled the property years ago, it ended up sitting on lots 7, 8 and 9. So they had Parcel B is 8 & 9; but has been combined and Parcel A is lot 7 which now accommodates the required setbacks so that the house does not sit on all three lot lines the way it did. Now, on the lot, line going from lot 7 and 8 is where the garage is and where they want to repair the garage and add on is on that section. What they found was if you look on the map, lot 6 and lot 7 has a 20' discrepancy between where lot 6 and lot 7 meet. What they

found was that there was a Resolution dated 1978 where the previous owners had gone to have the parcels divided but never followed through with have a new plat done. In that Resolution it says that they will give the front 20' of that property as a right of way, an easement and the right of way does not follow anybody else's property down, both Myrtle and Levi are deceased now and couldn't determine why that original 20' was given. But, when we start to put on the new garage, because of that 20' given they cannot put their garage and create depth on the house because for some reason this 20' was given away. If you look at the drawings submitted and the photos, the 20' in front of the house there's the pit meter for the water is out there, there is a stone wall that has been there years before they purchased the property; there are boulders in that section, and their actual fence is as well. If they ever tried to do anything with that 20', they would be inside the retaining wall of their neighbor's property.

Exhibit D – Photographs were submitted showing within the 20'. Eileen stated she was trying to show where they want to put the garage 14' from where it is located presently but the 20' makes them within the required set backs; therefore, they are requesting vacating the right of way.

The Homeowners questioned if this was for a survey. The roads have been dedicated to the County but the Homeowners maintain the roads.

Chairman Martin – this is dedicated to the County for future use.

Carolyn Dahlgren asked if Eileen had reviewed the County Commissioner Minutes.

Eileen explained that Mark Bean has been actively participating in this endeavor.

Commissioner Stowe – if the County concedes the 20' back to the Kock's it only leaves a 25' section.

Eileen mentioned that if someone were to try to take this 20', it would affect all the neighbors.

Commissioner McCown questioned the water tap within this 20'.

Eileen explained said there is a utility easement between Lots 6 and 7.

Carolyn inquired if the Road and Bridge Department had been contacted.

Eileen said she has not contacted them.

Commissioner McCown clarified the water line even though the water is currently supplied by New Castle and if they would decide to upgrade the line they would have to encroach on their property and it is not being provided by in this vacation.

Eileen mentioned the Homeowners are responsible from the tap to the house. All of the taps are within all property owners land. This type of issue does not require the Homeowners approval. Their concern was, if in the future, how a sewer line would affect them. They are one of 52 homes that would be affected.

Commissioner McCown – this land-use action gave the Board an opportunity to take this action. This is the only one that has come before the Board – anything that occurs will be a condemnation. The property would be condemned.

Mark said because this was a given 20', it now is translated into a self-imposed hardship Situation.

It will take the Minutes of that Meeting in 1977 in order to determine what was actually done since the Resolution does not list any conditions.

Mark Bean – it was a condition of approval and he reviewed that – the reason he suggested that we vacate the right of way is because there's no place we can get additional right of way up there now the way they have these houses built in there already. At the time, some thought was possibly given that an additional right of way could be acquired from some of the adjoining properties but if you go just directly to the east of this property and take a 25' piece you'd be in the porch of the adjoining piece of property. The same thing is true on the north side as well. There is no ability to acquire additional right of way in there so it did not make any sense to maintain it and suggested vacation versus getting a variance.

Carolyn suggested a staff report and/or a letter from the Road and Bridge saying there is no purpose for this right of way.

Mark – this was an attempt to obtain more right of way – these are the only two lots that the County has received any additional right of way. The current homes built in this area do not meet the required setbacks. Carolyn, to be cautious a statement would be beneficial from Road and Bridge and a recommendation from the building and planning.

Chairman Martin relayed the former action on a piece of property just down the street from this property. The minutes from 1977 when this occurred does not reveal anything about the property.

Motion

Commissioner McCown made a motion and seconded by Commissioner Stowe to close the Public Hearing portion and place this on the Consent Agenda with packets from the Road and Bridge Department previously mentioned by Carolyn Dahlgren.

Commissioner Stowe explained that unless some red flags come up from Road and Bridge then it will be approved.

Carolyn will contact Eileen Kock by telephone if there are some red flags – if Eileen does not hear from Carolyn then this will be placed on the Commissioner's Consent Agenda.

CCI – Fire Fighting Workshop – January 25 – Room 301 Courthouse

This workshop brings together those involved with planning emergency response – BLM, Forest Service, Mesa County and Garfield County – goal is to develop a plan.

Mike Smith of CCI is the responsible party putting this together.

Commissioner McCown mentioned that Gregg Rippey is holding a spot in legislation for this purpose. At present, the County does not have a way to recoup expenses outlaid from a wildfire map.

Mark was instructed to have wildfire maps available for the meeting.

This involves the Northwest Counties – 2/3rd of Garfield County is not in a Fire District – this creates the problem.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Marian Wells from Rulison – Request for Extension

This is a request to obtain an extension on their permit until December 31, 2002. She explained the circumstances and the need for this extension.

Motion

Commissioner Stowe made a motion to extend the permit until December 31, 2002 and the reason cited for this is that it is a unique structure [a Rammer structure - and not too many of those have been built in Garfield County] at which time, if it's not complete with a CO Ms. Wells will be required to obtain a new permit - there will be no more extensions. Commissioner McCown seconded; motion carried.

George Strong – Saw Mill in Silt

George requested direction in that he needs to move the direction of where he originally planned to build his structure – about 50'. He stated the reason for the request was that he had hit rock that requires blasting. This would change the closeness to the property borders. He said he had talked to Mark Bean about changing the building envelope site.

Mark said one of the conditions of approval as to what people see as representations that are made in the public hearings and there was a specific site plan presented during the public hearing which is normally what we rely on given some concerns by the neighbors.

George the shop is 80' x 144' and he would need to turn it would be 90 degrees. He did not see any particular concerns with the representation of the shop – the sawmill was the biggest concern due to the sound and the enclosure of it. The sawmill is back past what they put in their special and there is still an 11' retaining wall. George pointed out on his site plan to the Commissioners exactly what he was proposing. Commissioner McCown stated the further away he could place this building, the better off he would be. He suggested George should draw up his plans and see Building Inspector Arno Ehlers.

BUILDING AND PLANNING – PUBLIC HEARINGS/PUBLIC MEETINGS

PUBLIC MEETINGS:

REQUEST FOR APPROVAL OF A REQUEST FOR REVIEW OF THE MONUMENT RIDGE EXEMPTION FROM THE RULES OF SUBDIVISION TO SPLIT APPROXIMATELY 200 ACRES INTO 5 PARCELS. APPLICANT: PETER HEINEMAN OF FOOTHILLS LAND & DEVELOPMENT COMPANY

Carolyn Dahlgren, Kit Lyon, Peter Heineman, and Tom Zancanella from High Country Engineering were present.

Carolyn reviewed the regulations for noticing and the submittals from the applicant. She determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Exhibit A – Noticing was submitted.

Chairman Martin admitted Exhibit A into the record.

Kit Lyon reviewed the Project Information and Staff Report. This is a request for approval Of the Monument Ridge Exemption located with the A/R/RD, O/S, and PUD Zoning. The site is located in the Battlement Mesa PUD and lies in the Town of Parachute's 3-mile annexation area. The access will be from County Road 300 however, a 60' right of way needs to be deeded to the County for County Road 300 and County Road 303 along the entire portions that fall within the 200-acre parcel. The applicant previously applied for a subdivision sketch plan for twenty (20) lots that went to a public meeting before the Planning Commission on 2/28/00. The applicant is now proposing to divide the roughly 200-acre site into five

parcels at this time. Lots 4 & 5 may be the subjects of a future application for subdivision. The parent parcel was about 280 acres in size in 1961 from which one exemption split occurred in 1974. The result of the split was one-parcel 80 acres in size and the subject parcel that is 200 acres in size. The 80 acre parcel was subsequently merged with other parcels and became the subject of a subdivision split (the Monument Creek Village, Section One, Platted by the Oil Shale Company.) Due to the two County Roads that occupy the property, the parcel appears to qualify for the five (5) exemption lots requested. If this request is approved, the property would not qualify for any more splits via exemption under the current regulations. Kit continued to review the reviewing agencies and other comments, major issues and concerns, staff recommended findings, and staff recommendation.

Recommendation:

Staff recommends approval of the Monument Ridge Exemption Application for five (5) lots with the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;
2. A final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, 25 ft. wide access to a public right of way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;
3. That the applicant shall have 120 days (until 5/14/02) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. That the applicant shall submit the applicable School Site Acquisition Fees (\$800.00) for the creation of the exemption parcels and outstanding sketch plan fees to the Planning Department (\$105.94) prior to approval of the exemption plat;
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be in compliance.
6. All recommendations made by the Grand Valley Fire Protection District (GVFPD), in their letters dated 9/19/01 and 12/14/01, shall be followed for existing and proposed residences: A storage tank at least 2,500 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional; Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system; Access/egress and defensible space shall meet the CSFS NEPA 299 standard; Sprinkler systems shall adhere to HFWA 13D and shall be approved by the GVFPD and supplied from cistern; However, the applicant shall either provide the fire protection cisterns as part of the domestic water delivery system, or shall provide a separate system.
7. Only five accesses, one per parcel, from the County Road shall be provided, and access permits shall be obtained from the Road and Bridge Department for the accesses; The accesses shall be maintained adequately to accommodate the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. A sixty (60') foot wide right of way for County Roads 300 and 303 shall be dedicated to the County, with deeds of transfer containing an acceptance statement by the Board of County Commissioners to accompany the plat; Improvements to the roadways shall trigger the property owner's moving or removal of the fences in order to be consistent with the right of way boundaries.
8. Prior to the signing of a plat, all physical water supplies shall demonstrate the following, with the exception of Lot 2, Well 2, which has already met this criteria:
 - That a four (4) hour pump test be performed on the well to be used.
 - A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
 - A written opinion of the person conducting the well test that this well should be adequate to supply water to two (2) dwelling units;
 - An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
9. That a legally formed Homeowners' Association (HOA) shall administer the augmentation water; The HOA covenants shall include all the same disclosures as the required plat notes, and shall include a detailed ISDS maintenance plan at a minimum; These particular portions of the covenants shall not be amended without first being subject to a public meeting process and approval by the Board of County Commissioners.

10. A disclosure to all potential lot owners regarding the potential for mineral exploration and recovery must be included in the covenants, plat notes, and at the time of closing, in the event that the mineral rights have been severed.

11. 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 owner's 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 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."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

"All recommendations made by the Grand Valley Fire Protection District (GVFPD), in their letters dated 9/19/01 and 12/14/01, shall be followed for existing and proposed residences: A storage tank at least 2,500 gallons in size must be provided for residences 3,500 square feet or less, with sprinkler systems optional; Residences larger than 3,500 sq. ft. must provide both adequate storage and a sprinkler system; Access/egress and defensible space shall meet the CSFS NEPA 299 standard; Sprinkler systems shall adhere to HFPA 13D and shall be approved by the GVFPD and supplied from cistern; However, the applicant shall either provide the fire protection cisterns as part of the domestic water delivery system, or shall provide a separate system."

"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 Zancanella quoted from the Fire District Code saying that 13D references what size the tank should be – it varies on square footage and the zones. The 2500 gallons represents an outside storage system for all residences. The requirement for a house over 3500 square feet requires the 2500 gallon storage tank and a sprinkled system.

Peter addressed two issues: Item 11 suggesting that the lots be restricted to one dog. He has found that people have more than one dog and he would lose about 50% of his potential clients if this is imposed – this area is very rural with BLM on both sides of him. The acreage is 6 acres and 10 acres. He spoke to the Division of Wildlife and he did not have any problem as long as he would abide by the fencing requirements and prevent the dogs from running where they should not go. Peter said he incorporated some language in the covenants that address dogs such as – dogs must be kept within the property boundaries and when outside the boundaries the dog has to be on a lease.

Commissioner McCown – commented this does not guarantee keeping these dogs within the confines of the property boundary. This is why they have the one dog restriction.

Peter said maintained that this restriction was not fair on acreage of these sizes.

Kit referenced Section 8.60 (i) in the regulations saying the dog restriction is placed on all exemptions.

Commissioner McCown – the exception is 40 acres unless they are working dogs on the property. This will be up to the Homeowners Association to regulate and enforce this restriction.

Item No. 8 – Wells – Peter understands the policy that a water system however, he mentioned to provide this guarantee would create a hardship on a person like him – he cannot afford it – in this case it involves drilling 3 wells. He proposed rather than providing the well be drilled and tested prior to recording the plat, would the Commissioners put in a condition that he can not transfer the lot until he had a potential buyer and sell the lot with water. This way he would not have to drill the well prior to having a buyer for that lot. Kit quoted the rules and regulation saying there is not a lot of leeway. This is a Board of Commissioners' rule.

Commissioner McCown – in this case Kit, the applicant has indicated on parcel 4 and parcel 5 he anticipates full subdivision, would those also require the wells at this time even though they may be completely inadequate for the full subdivision.

Kit – according to the regulations, it says prior to signing of the plat, and since all of these lots are being created by exemption, it will apply. It is a difficult issue but there is no guarantee that they will be subdivided in the future, it is possible but it is also possible that they could be sold.

Commissioner McCown – they are both large enough parcels that they would qualify for exempt well status anyway.

Tom Zancanella said they have already drilled wells on lots 4 & 5 so letting him off on that one does not help. There's a total of 3 drilled and 2 more are needed. He cannot sell that lot until he drills the other two well.

Peter indicated the well they did drill was a relatively shallow and a good well. Tom guaranteed that there was water on the other two lots.

The option would be to have a well sharing agreement in place.

Tom asked for clarification, as to how this would work - if they come in with one or two wells that are adequate to serve the entire subdivision and get through Preliminary Plan and then change and go back to individual wells, come back before the Board, provide reports to staff that individual wells also work – is this another alternative?. Legally, the attorneys can handle it from the contract as it does not matter to the contract and in fact, they now have well permits out that allow you to give them after the fact locations. You define the property, then drill your wells, and come back. This has been changed because we've had so much trouble with the entire scenario of picking well locations that don't work, do all the paperwork, get the permit, and find out it doesn't work and then try it all over again and again.

Kit responded that as far as Preliminary Plan for Subdivision goes, you just need to meet what is in that *Section 4.91* about the water supply plan and then have something showing adequate physical supply you believe is available. Then you have to prove up the supply before the final plat is completed; this is the way the Building & Planning Department handles it.

Commissioner McCown – the way I interpret it, with the well sharing agreement, if you have one well that has an adequate source of water for the three lots.

Tom Zancanella – for Preliminary Plan, that's fine and carry that through final plat; if we made a change to that, do we have to come back before the County, if they drilled their own well.

Kit said you are talking about the 17 more lots.

Tom Zancanella said, not just this one, but any in general. If we go through the process as a Community Water Supply System, and do everything based on a community supply and then later provide well permits for selling a lot off with an individual well, do we have to come back before the County process to do that, or can we submit a revision to staff?

Chairman Martin – if it's been given approval for a Community Water Plant, that will be part of the requirements for approval that would have to be in place and to augment, you drill another well, that would be additional, why wouldn't you put it into the community water plant to help with everything else.

Tom gave an example – if someone builds a house way off in the corner somewhere and that lot is part of the subdivision and part of the community water supply, and they're stubbed out to the lot maybe here and the guy doesn't want to extend the pipe 1 ½ miles to his house, and drills an individual well. Kit suggested staying on this exemption topic and since we have a meeting right after this with the applicant, we can discuss this at a staff level and with the County Engineer and County Attorney and advise you on the Preliminary Plan as a separate issue.

Peter said even with the exemption, when you've got a lot that ¼ mile long and you're required to drill the well before the final plat is approved, you're essentially picking a building site for that person and you're playing a guessing game about where eventually the buyer may want to build and often you're wrong. Then you end up having to throw that well away and with the new buyer having to apply for an amendment to the well permit. The sole system does not work well for large lots – it has designed more for urban type

subdivisions. With respect to Kit's comments, the Homeowners Association has in fact been formed, there is a legal entity to administer the augmentation plan and the Covenants have incorporated all the plat notes that were suggested; and this will be submitted to planning. The covenants do not permit construction in the floodplain and the floodplain will be indicated on the final plat.

Transportation item where they were suggesting taking 30 additional feet of right of way off County Road 303. They proposed this be a centerline dedication.

Brian met with Jake Mall on site and CR 303 - he pointed out the gas line that is in the right of way – and added that discussions had been held – it will be 60 feet but it will be centerline with 30' on each side.

Additionally, it was stated that mineral rights have been severed. Nothing is being explored in this area.

Peter noticed as a plat note that future exploration could be a possibility.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Monument Ridge Exemption from the rules of subdivision for Peter Heineman of Foothills Land & Development Company with the testimony by the applicant and the Conditions 1 - 11 as recommended by staff; motion carried. .

REQUEST FOR CONSIDERATION OF AN AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE POWERLINE SUBDIVISION. APPLICANT: WESTERN SLOPE DEVELOPMENT CORPORATION

Carolyn Dahlgren and Mark Bean were present.

This is a request for consideration of an amendment to the Powerline Subdivision due to the deadline in the SIA for completion of improvements was December 30, 2001. The applicant has been contracted to construct these improvements and work has begun; however, due to a scheduling problem beyond the applicant's control, the work will not be completed by the current deadline. The applicant is requesting an extension in the SIA deadline until February 15, 2002 for completion of the improvements. Mark checked on the letter of credit. It is in place until June 2002, therefore the February 2002 request will not affect the letter of credit.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the amendment to the Subdivision Improvements Agreement for the Powerline Subdivision until February 15, 2002. Motion carried.

Emergency Management Services – Additional \$3300

Ed Green stated that he had received a notice from the State of Colorado of the intent to enhance the Emergency Management Services by adding \$3300.

Courthouse Plaza Funds

Jesse – The Agreement we have with the Contractor and U. S. Bank, is that the contractor delivers to us invoices on Courthouse Plaza not more than twice a month and then these are processed internally and we notify U. S. Bank and we ask them to cut a check out of the COP Accounts for the County and then pays the warrant for the Courthouse Plaza. The request was received from the Contractor and we notified the bank a week and a half ago. The procedures are that they are to wire transfer, we faxed them the request, and they are supposed to wire transfer the monies by Wednesday of the following week. They inadvertently mailed the check versus wire transferring. There is a situation where the Board has authorized payment of these warrants, but the funds are not here to pay the warrants out of the Public Works Fund. There are two options: we contacted US Bank they admitted it was their mistake, they have stopped payment on the check and are wiring the money today – if that wire is received by 4 –4:30 PM today, then there shouldn't be a problem. If we have not, then the Board could authorize Commissioner Martin to sign a Resolution to transfer the funds from the General Fund into the Capital Fund and then later reimburse the General Funds. Commissioner McCown asked why it is so important to have those funds here today versus 10:00 AM tomorrow.

Georgia Chamberlain – that is a decision that needs to be made as a group.

Don DeFord – explained some of the Statutory issues - by Statute the Board is prohibited from issuing warrants unless there are appropriate funds supporting those warrants. Actually, the warrants technically have not been issued, they were authorized to issue; and this is when we get to the timing. You do not want to actually issue these warrants until the funds are actually available under the statutory provisions. So, what Jesse, Georgia and I have discussed if the money has been wired, we could go in and issue the warrants. It actually makes more sense to issue the warrants in the morning. However, if for some reason that wire doesn't get here and apparently we want to go forward expeditiously with these warrants, the Board would authorize their issuance, assuming you don't want to withdraw that authorization, we could

also transfer funds from the Capital Fund to pay for those and then reimburse the Capital Funds from the wire transfer when it comes. But to do that, you will have to not only authorize the transfer of funds. Additionally, you may need to amend your budget because you have a line-item budget now. If you want to assure issuance of those warrants first thing in the morning, then what you want to do is state that the Board gives authorization, if wire funds have not been received by 4:30 PM, for the Chair to sign a Resolution amending and supplementing your existing budget; and to allow transfer of necessary funds from the Capital Fund to the Public Works Fund. Additionally, authorize a budget amendment and supplement to accept Revenue into Capital from the wire transfer when it arrives.

Commissioner McCown inquired as to what it matters if they go out at 4:30 PM this afternoon or 8:30 AM in tomorrow or 1:00 PM tomorrow – why cannot we just hold the warrants until we know the money is there since it is being wire transferred, and not do the Resolution and all the transferring of funds.

Don said as long as no one is demanding the payments, he thought we had to make payment under our agreement.

Jesse reiterated that the Board authorized them to go ahead and pay the bills today and we would then normally print in the afternoon and mail then same day.

Don - If the Board simply amends their authorization to make payment on those warrants, to issue those warrants only after the wire transfer arrives – this is another way to approach it.

Ed mentioned the key issue is Structural Associates.

Jesse said he can notify Structural that the money is on its way.

Georgia also responded to a question regarding issuing all other warrants and simply holding this one to Structural – the way the system is, the warrants are issuing in certain order and it would be major work on the accounting office to pull out the warrants that are coming out of the Public Works Fund and would have to redo this whole thing. The Board has authorized all of the warrants.

Commissioner McCown – they can't do them by account?

Georgia – No, they cannot.

Jesse – why can't we print the warrants/checks and then go through them by hand and pull out those for the...

Don DeFord – then you have issued them and you are in violation of the Statute because you issued warrants without necessary funds.

Georgia – issuing them is printing them and they have to be paid in the order they are issued.

Commissioner McCown – Well, we just do not print any of them until Tuesday morning. This could be a moot issue.

Commissioner Stowe – if we do not get those funds, then we are behind the eight ball on all other accounts.

Executive Session – Ongoing Litigation

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

The Wire Transfer was received and announced to the Commissioners that all was well.

ADJOURN

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

Attest:

Chairman of the Board

JANUARY 21, 2002
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, January 21, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- **HUTF REPORT**

Tom Russell presented the annual Highway Users Transportation Funding (HUTF); the Board reviewed the report.

Commissioner McCown inquired as to the 217 miles of road not included in the Highway Users Fund.

Tom Russell explained that these were roads such as the one going up to the Lookout Mountain site that in sub-standard conditions; these are not dedicated roads.

Commissioner McCown inquired as to how the roads within a subdivision are handled.

Tom said they were not show in this report.

A concern was expressed that the HUTF report would not be an accurate count – these are roads owned by the County but not maintained by the County.

Jesse Smith indicated that these roads would need to be shown on a fixed-asset schedule.

Tom said the State would not pay us for these roads; agreed by the Board; but as part of our official inventory of roads, these should be included.

Ed said the HUTF is the report to the State that we receive funds – the other is an official inventory of roads.

Jesse reiterated the need for showing all roads including the HUTF report and others for an official inventory.

Commissioner McCown clarified that the HUTF report in front of them today includes 217 miles of road that are non-HUTF roads that the States does not reimburse funds.

A motion was made by Commissioner McCown to accept the report on its face knowing full well that it is incomplete and we would move forward with the additional information needed to make it correct and that the Board be authorized to sign said report. Commissioner Stowe seconded.

Don DeFord inquired as to why Tom includes roads on that report that we do not seek reimbursement for.

Tom said, it is the way the format set up by the State; they ask for those roads that we do go on and they are publicly owned but we do not really do maintenance on it – but these are roads on our Road System. In addition, the subdivision roads that are publicly owned that are not included in this report.

Don mentioned he was aware of the subdivision roads and it does become confusing when we get in a dispute over whether a road is public or not; or whether it is part of the County Road System or not, and maintained or not maintained.

Tom said they would have to go through all the subdivisions to see what roads are dedicated to the County and those that are not. This would be a good project.

Commissioner Stowe mentioned that Commissioner McCown could attest that all the roads in the subdivisions have been dedicated since he's been on the Board and the same for him, but there are a couple of subdivisions in the 1990's that were not dedicated to the public.

Commissioner McCown felt that a lot of this could possibly be done by the GIS System.

Tom stated this is a living document that is changed every year.

Motion carried.

- **2002 – GARFIELD COUNTY VISION FOR 2002 WITH GOALS**

Ed submitted the list of goals and objectives, and the Vision for 2002 and presented a handout showing description, desired outcome, persons responsible, other resources involved, comments and a time-line for completion of the various phases. There was a complete review of the Strategic Planning Goals:

- ***Establish IT Department***

GIS and Mapping with Systems Maintenance includes the cross training of three individuals to Informational Technology) IT support at all times.

The desired outcome would be to create an in-house IT system to maintain all systems, and to achieve a standardized system to allow all departments throughout the county to interact freely.

- ***Conversion to GASB 34-38 Accounting System in 2002***
- ***Construction – Completion Projects/Moves – Courthouse Plaza***
- ***Construction – Completion Projects/Moves – Mountain View***
- ***Construction – Completion Projects/Moves – Cattle Creek***
- ***Quality of Life – Child Care***
- ***Quality of Life – Van/Car Pools***
- ***Quality of Life – Time Management***

COURTHOUSE PLAZA

Ed Green, Jesse Smith, Tim Arnett, Randy Withee, and representatives from Structural Engineering were present.

Ed mentioned they had completed extensive discussions with Structural and Permanent Builders and have arrived at a final design of the interior of Courthouse Plaza and has involved all of the affected originations in that design. When the facility was first conceived, we envisioned a much more open facility than we have today and can be seen in the drawings. This has affected the estimated cost. More importantly Ed said they underestimated the cost of mechanical and electrical systems be extended to the interior. This project was initiated in advance of receipt of the COPS funding and we directed a total of \$695,000 from the Capital Budget to cover the cost of land and the building design from Roy Stanek. It was their hope that most of that cost could fit within the perimeters of the COPS Budget and that the \$695,000 could be re-appropriated to the Capital Fund. However, since we didn't have the final cost of the interior finish when we presented the final 2002 Budget to the Commissioners in December, we did not include the recovery of those funds in the projected end of year balance for Capital Fund. Therefore, any moneys that we can now retrieve from the project add to that Capital Fund balance. Besides Capital, we have other sources of funds for the project – the COPS funding, and we set aside a total of \$4 million dollars plus all interest associated with the COPS funding and that totals about \$250,000 so the total COPS funding is \$4.25 million dollars. That leaves us with a total of \$4 million dollars available to construct the new Road and Bridge Facility at the Airport. We also have approximately \$190,000 in funding from Social Services Fund Balance for the furnishings on the 3rd and 4th floors and for specialty finishes. And additionally, as the Board may recall, we had transferred several years ago about \$.50 (1/2) million dollars to the Landfill to cover closure and post closure costs and that money was transferred from the General Fund. So, we received our first re-payment of that in the 2002 Budget. This will all go back into the General Fund and we'll use that to defray the cost of telephone and computer hook-ups for the facility. All total, we have \$5,230,000 in funds available for the project – our total cost for the project inclusive of all interior finish, furnishing, computer and phone hook-ups is \$4,927,885 and this will result in a return of over \$300,000 in funds to the Capital Fund which will result in a Capital Fund Balance in excess of \$4 million dollars by the end of 2002. We believe that the proposals from Structural and Herman Miller are cost effective and represent deal the best deal we can get for the County.

Tim Arnett said first thing, they got the bonds eliminated for \$13,598 back into the project and he is negotiating right now and has the price down and will continues to get it lower before we go into the final building – he got the price down by \$17,000 Friday afternoon and feels confident he can get a lower price than this. Tim said the furniture is all the same – like the furniture in the hallway – they get to pick two pieces in the whole furniture set-up. The interior furnishings will all be the same. That way if there is a need to move things it will match – before when we purchased colors, the color would be deleted and could never match it.

Commissioner McCown clarified that there will be a minimum of millwork in this entire building.

Randy Withee said the millwork was only about \$9,200.

Tim – that is like for coffee bars, rest rooms, etc.

Commissioner Stowe commented that the contract with Structural has been pretty solid. Other than moving a back room or something. Our biggest problem came from our inability to accurately project out interior furnishings attributed to the fact that we changed from moving the Clerk & Recorder, Treasurer and Assessor where we might have used counters, etc. to basically having to develop a whole separate bunch of cubicles and private offices.

Chairman Martin noted that we are ahead of schedule.

Shane Evans, Structural Associates – at this stage of the game we are in the neighborhood of three to four weeks ahead of schedule and the intent is to hold that lead and if we can make up additional time. The weather has been kind to us, the staff has been very helpful and the consultants involved have helped them to move through so they have had the information we need when we needed it. He'd like to maintain that and take advantage of that at this stage of the game trying to provide as necessary, information, and etc. to move toward the hopeful approval of the interior finishes in order to do it essentially seamlessly without a stop and start over due to delay.

The cost per square footage came to \$204.

Don DeFord interjected, first of all, Ed, officially at this point are you asking for approval for a change order?

Tim Arnett said it was listed in the document.

Commissioner McCown inquired on the payback from the Landfill, the Landfill is an Enterprise Fund, and can we shift money back and forth from that?

Don – Jesse has this been officially established as an Enterprise Fund?

Jesse Smith – We have listed it that way in our Budget Book for the last two years.

Don – and our Accountants have accepted that segregation?

Jesse – yes.

Don – Then the answer to your second question Larry, if this is the a repayment of amounts afforded or credited to the Landfill, as I understood the statement to be, the answer is yes. It shouldn't show up as a loan, it should show up as some type of a grant or something in that nature.

Jesse – It was a grant to the Landfill and they are now returning the grant funds.

Randy Withee – said the grant funds should be \$906,509 and we had \$906,449.

Don – asked for summarization on the scope of the change order.

Randy said the scope of the change order would be to construct all hard walls, the flooring, all doors and hardware, finishing for the floorings, extended downstream mechanical, electrical, computer wiring and telephone wiring.

Commissioner McCown – except for the desk we are installing, this will give us a turnkey building.

Ed – only one issue outstanding and that is security – it's a \$10,000 to \$15,000 add on for security at the front door, if we decide we want to do it.

Don asked if the scope included any furnishings.

Ed – no, the furnishings are a separate issue, a purchase order with a vendor. This will require a separate action, in an amount not to exceed \$330,000. This is not included in the change order.

Randy – the change order is what we've already stated plus ten (10) weeks to time per contract. The solution date would be instead of June 29 to September 7 based on the contract language.

Shane Evans – I believe the construction schedule would reflect a completion of about July 16 because of our current schedule.

Don – What Ed and Randy have stated, amounts, scope, and time of the change order and then there are two things I need to cover that are subject to your approval: 1) the change order does not include any additional bonding performance or payment bonding as Tim Arnett indicated – there's currently a requirement in the lease and sublease for the financing – the COPS financing that requires by its terms that any change order to increase the amount of the bond; 2) Jesse contracted the trustee and financing and we had an e-mail response from them indicating they would accept this change order as just announced without requiring additional bonding and that is also the substance of your discussion isn't it.

Ed – Correct.

Don – There's a similar statutory requirement and that's where I'm getting to the Boards position – the reason that the trustee accepted this may also be the reason that the Board is willing to go forward without increasing the bond and that is as indicated by Shane, there is already substantial value in this building that is complete, but is still subject to the initial bond, so I will state as a general statement, that as it sits the structure is over bonded at this point anyway.

Shane – I would agree with that and my conversations with our bonding agent policyholder seems to be consistent – there's a comfort level at all four fronts here.

Don – So the additional amount for this change can be encompassed in the current bond, is that correct Shane?

Shane – Yes.

Don – so on that basis, I believe the Board can go forward on this change order without increasing the bond and hence take the \$13,000 plus deduct and then lastly, is an issue that Ed has hit, but if the Board wants

more elaboration, you can, under your current COPS financing you are required to finance two structures with that financing not just one. Ed has earlier stated, I believe on the record, that he believes you can do that, is that correct?

Ed – That’s correct.

Don – so those are the items I wanted to cover for the record and I think we’re looking for a motion to approve a change order in the amount of contract price time and scope of work indicated by Ed Green and Randy Withee earlier.

Commissioner Stowe – a question for Randy, Tim or whoever can answer this for my own knowledge, has anybody put a pencil to how much per square foot this building is going to cost?

Randy Withee - \$204.

Commissioner Stowe – does anybody know how that would normally compare with other office type buildings.

Ed – that includes the furnishings.

Commissioner McCown – it’s a lot cheaper than the jail.

Commissioner Stowe – it sound pretty reasonable.

Shane – my feeling is when you extract the furnishings portion of that which is well over \$330,000 the cost of the interior finish was in the neighborhood of \$50 or less per square foot and from all our knowledge which is limited to a degree with this type of building that this appears to be in conversations with some other architects involved in the project, consists with their expectations and a general range of cost.

Chuck Brenner – This would be very consistent with what we see – the range could be as low as \$150 and as high as \$400 a square foot depending on what was put into the building. But \$200 is not out of line especially with furnishings.

Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the change order in the amount of \$906,509 as mentioned with the scope of change order as noted by Randy and the comments made by Don DeFord.

Chairman Martin – we have a change order of money, time, and scope.

Motion carried.

Change Orders – Furnishings and Computer/Telephone Service – Courthouse Plaza

Furnishings - \$330,000

Computer/Telephone Service - \$108,948 – broken out \$34,000 for the phone system – First Call and \$74,000 for Desktop Consultants

Randy – for the service we are getting all the tie-ins to the existing Courthouse with both computers and phones (running the loop between the two phones) and First Call will be all new phones and a new system in the Courthouse Plaza; Desktop is to provide a server which gives us a router so we can route between these two buildings and high-speed internet

Jesse Smith – We will network that building completely with the Courthouse and then to the entire County.

Motions

Commissioner Stowe made a motion to approve the furnishing purchase order in an amount not to exceed \$330,000 for the Courthouse Plaza Building. Commissioner McCown seconded. Motion carried.

Commissioner Stowe made a motion to approve the installation of the telephone wiring and system and upgrades for the new Courthouse Plaza Building in the amount of \$34,000. Commissioner McCown seconded; motion carried.

Commissioner Stowe made a motion to approve the computer interloping and networking with the new Courthouse Plaza Building in an amount of \$74,000. Commissioner McCown seconded; motion carried.

• **EMS GRANTS TO COUNCIL**

Dale Hancock presented several items for the Board’s consideration today:

Nancy Frizell, EMS Council, Tim Sarmo, Division of Local Affairs, and David Blair, Chief of Grand Valley Fire Protection District were present.

- ❖ Nancy Frizell - Prioritization of EMS Grants submitted to the Council by RETAC. This year, the State changed the prioritization schedule for the provider grants – first they have to have the County Commissioners prioritization, then go to the RETAC and then go to the State. In the past they would go to the State and then come back before the Board for the prioritization. The EMS Council met last week and the Board has the provider grant paperwork, and the only other one being submitted from Garfield County is from Grand Valley Fire Protection District. The EMS Council supports this as a priority item to go

onto the RETAC Prioritization Schedule and then to be submitted to the State for funding. Nancy explained that Grand Valley is a separate grant – it is a provider grant and the other is a subsidized County grant. They are separate pots of money.

Commissioner McCown made a motion to support the Colorado EMS Provider Grant application form Grand Valley Fire Protection District and the Chair be authorized to sign. Commissioner Stowe seconded. David Blair stated they would need a cover letter stating support and that this is a top priority. He can take to RETAC and then forward onto the State.

Motion carried.

- ❖ Nancy Frizell – she is also a member of the Emergency and Trauma Council – the RETAC and they wanted her to come back and ask the Board several questions; on in regard to the subsidy grant. Part of the situation as it stands is the State has still not decided how and when they are going to dole out the money, etc. There is to be a meeting at the end of January where they will hopefully give their final say. As it stands currently, both the funding for the RETAC itself and the previous subsidized County grant of \$15,000 plus our Five County RETAC, goes to the RETAC first and then is doled out from there. So, the RETAC requests the Board's feedback on how they would like that money to come to you – a lump sum upfront, or just on grant basis. The final say is by the RETAC – it is not that we get to say this is how we want it and then get it that way, but they do want feedback on how the Board wanted that money paid to them. In the past, she has heard discussions that this may be used for just one big project throughout the RETAC as opposed to every County getting the \$15,000 as in the past. Her feeling the way the State is seeking, there will not be that lump sum upfront anyway, there will not be \$15,000 paid at the very beginning of the fiscal year.

Commissioner McCown said Nancy could take back to the Council that this is how they would want it. Chairman Martin agreed.

- ❖ They are reorganizing with the RETAC Coordinator trying to get one person more solidly doing the job – there have been two part-time people in the past and this has not worked well. They are looking at other ways to deal with the fiscal agent issue for the RETAC and possibly as the RETAC Coordinator and they wanted to ask Garfield County as to whether there was an interest in doing this at all. In the past, it has been dealt with that St. Mary's Hospital has been both the employer and the fiscal agent. We are looking at several different models that where the fiscal agent is totally separately and possibly the RETAC being able to employ the Coordinator or if there is some other agency willing to take that on. They are looking at either Counties don't know whether AG & C if that's a possibility and/or whether St. Mary's Hospital is still going to do it.

Commissioner McCown – Mesa County had a problem with that.

Nancy – they are going back to AG&C.

Commissioner McCown – this was discussed at both Associated Government and AG&C serves as the advisory unit for the RETAC for the five county area – everything that supposedly goes through there has to come back before AG&C Board for approval. There was a concern regarding conflict of interest but it was discussed and we were willing to be the fiscal agent for that since it was the only entity – the ball was dropped when they were going through the transition of changing employees and St. Mary's was still the logical one to do it. However, Associated Governments was willing to look into it if St. Mary's fell apart. Nancy – St. Mary's want to have more voting representation on the RETAC but their County government felt that then they would be in a conflict of interest both employing the RETAC Coordinator and wanting to have voting as the fiscal agent.

Tim Sarmo – Division of Local Governments AG & C – has some kind of a 501 designation and would be eligible to receive the grant.

Commissioner McCown mentioned the AG does a pass through for the Department of Health and UMPTRA, but are not a 501C3 status – but have the ability to accept and pass through grants and employee people.

- ***Ambulance Licenses***

Dale Hancock came before the Board on January 7, 2002, and went through the annual licensing of approximately half of the agencies in the County, today he wants to complete the licensing process on:

1. The Chair be authorized to sign the License to the City of Glenwood Springs Fire Department – License Numbers 944, 945, 946, and 51 and for the operation of their ambulance service during the fiscal year 2002;
In addition, authorize the Chair to sign the License to the Grand Valley Fire Department, License Numbers 11 and 12.

Commissioner Stowe made a motion that the Chair be authorized to sign Agreements just noted by Dale. Commissioner McCown seconded; motion carried.

2. This is the sixth Agency that would routinely be licensed which is the New Castle Ambulance Service. We have received as a council a letter dated December 16, 2001 wherein one of the crew members resigned from that service and within the resignation letter cited a number of different concerns leading to that individual's resignation. At the Council Meeting held last Wednesday, January 16, 2002 at the Rifle Fire Protection District, there was a candid dialogue back and forth between the Council and the Board of the New Castle Ambulance. Dale had not received at that time the application package for the issuance of a license. Dale said he did receive this on Friday. One of the allegations that were included in the resignation of one of the crewmembers alluded to the dissolution of the corporate structure of New Castle Ambulance. When he received the application package, he went through it for its uniformity and to see if all the specific things needed to be done such as proof of insurance, mechanical conditions of the ambulance, etc. This was complete. Then Dale went on the Internet to the Secretary of State to determine the status of the Corporation and found that it was in dissolution. This was verified with a conversation from a staff member from the Secretary of State's office as well as he went through the printed history of the Internet to see that we don't have an active corporate structure and this probably places the County in some jeopardy if we go forward with that licensing. There have been prior discussions with regard to the viability of this service.

Don DeFord – question – if the corporation is dissolved, whose benefit is the insurance written, both on motor vehicle and liability?

Dale – It is to the service itself. It places the individuals without a corporate protection.

Commissioner McCown – clarification – has the ambulance entity been a separate corporation from the Fire District?

Dale – Yes, they have never been together.

Commissioner McCown – have, since the dissolution without the appropriation, have they been incorporated into the Fire District?

Dale – No. Right now, they are ten (10) people providing a service with fixed assets with no legal standing.

Commissioner McCown – putting all personal property at risk and jeopardy.

Dale – yes. The reason they did this is they genuinely believe that they were a corporation in good standing and in fact at the meeting last week, they expressed Dale to check because it is not true- we are a corporation in good standing.

Commissioner McCown – does it have a record of who started the action to dissolve.

Ed Green – we pulled it up on the Internet and it is very cryptic but it definitely dissolved.

Commissioner McCown – a member or the Corporation had to call in and dissolve it.

Dale – there is a print record with each action and on this one, there was no print record to reflect the reasoning for the dissolution.

Ed – Another print record discussed a change in the Board of Directors that alluded to the dissolution.

Don – some real concerns on the insurance coverage on this.

Dale – they are not fire fighters, they are strictly a volunteer organization. He talked to Steve Rippey to give him a general heads-up that this might be discussed. Dale said he had previously looked through New Castle's finances and saw there was an ambulance fund. This annual grant is distributed to the service by the Town of New Castle. They do not even have any control – the ambulance is a freestanding corporate group.

Commissioner Stowe inquired as to the exposure since we grant the licensing, are we on the hook?

Don – probably not, but nonetheless you have a statutory duty in licensing to verify that they meet all those requirements and if this is the applicant is not a legal entity that needs to be verified prior to issuance of a license to a legally non-existent group.

Dale discussed this with them at Wednesday's meeting – there is very little language in the Statute as to the County's responsibility for licensing ambulances and the bottom line of the one paragraph is "if you run an ambulance that is not licensed, you are guilty of a Class 3 Misdemeanor."

Don – the application is from the entity and not from individuals, so at this point if you have evidence that the entity does not exist, you officially cannot issue them a license.

Commissioner McCown – the Board is not authorizing them to go out, but if they receive a page, they are going to go out on the call.

Dale – how they have covered themselves in the past is if they were having difficult assembling a crew, they would depend on Silt to cover their calls.

Chairman Martin suggested they proceed to do a cooperative agreement with Silt.

Dale – they need to affect a backup for calls for service and then we will advise the Board that they need to resurrect or bring proof that they are a corporation in good standing. This appears to be that someone failed to renew the corporation; it was noted that it was November 1, 2001 as the dissolution date.

Don – if this is the case they can revive that corporation very easily, until then, they do not have a license.

- ***Notice on the Telephone Service – Garfield County***

Chairman Martin noticed in the paper under Legal Notices that we are in our waiting period of 90 days before – we are in a protest period; if there are no protests, then we have our hearing. This is a PUC ruling. He requested Dale to keep the Board informed.

- ***Division of Energy – Rifle Aquifer Agreement***

Ed said that DOE is catching up on their paperwork related to the Rifle Aquifer Agreement and they want us to fill out a very comprehensive set of represents and certifications which are basically the societal economic representations and certifications related to the Contract. Ed would like to complete this week, coordinate it with Don and then have the Chairman to sign these representatives and certifications and requested authorization from the Board to proceed.

Commissioner Stowe so moved. Commissioner McCown – seconded; motion carried.

UPDATE ON SMART GROWTH BY JIM SPEHAR WITH RURAL RESORT REGION – PROJECT STATUS – PHASE I – RESEARCH – OFFICE OF SMART GROWTH, COLORADO HERITAGE PLANNING GRANT PROGRAM – REVENUE SHARING

Tim Sarmo, Department of Local Affairs and Jim Spehar of Rural Resort gave an update on the activities saying this is the Colorado Heritage Planning Grant Program. Tim Sarmo monitors this grant for DOLA and for the Office of Smart Growth. Jim met with Tim Sarmo and Randy Hill in Grand Junction last week to bring them up-to-date and direction on where to go from here.

Walt Stowe and others, who make up this steering communities for the five counties, asked Jim at the December meeting in each of the five counties, to come back and sit down with the full boards in each county to make sure that all the Commissioners were up to speed on the progress made on the grant and had some input for the future. This was originally envisioned as a two-year project, the grant was obtained about one year ago and it is a \$50,000 grant from the Office of Smart Growth matched with \$25,000 in cash from the Rural Resort Region and about \$5,000 in in-kind services to investigate regionally sharing locally generated revenues for the purposes of dealing with growth related issues. The five counties have been involved for several years, originally with Representative Russell George and most recently with Representative Gregg Rippey in an effort to create a State fund that could be accessed much like the Energy Impact Fund by regional partnerships to deal with growth related issues. That effort has not been successful. The thought was, as we pursue it and obtain this grant, perhaps we should start looking inward and seeing if there were opportunities to work regionally on some of these issues that we can all identify like housing, health care, and transportation to resolve these issues over a broader area irrespective of the jurisdictional boundaries. Garfield County does administer this grant; the Statutes require an entity like Garfield County to receive the grant. So, on behalf of the Rural Resort Region, you all have been administering the grant and the region has been at stages of the project submitting bills to Ed Green and we've paid – the reimbursement comes through the Office of Smart Growth to Garfield County. The other thing that Walt is aware of, there's been some discussion at the last couple of Rural Resort Meetings that rather than hold the \$25,000 match itself, the Rural Resort Region has discussed at the December meeting and maybe more discussion in a meeting later this week, cutting that check to Garfield County. This way you are assured the match is there and ask you to hold that money on behalf of the Rural Resort Region since you have in your contract requiring having that money in hand unless there's some objection from Garfield County. The Board may want to think about that and provide Walt some input if there are any issues.

On behalf of the Rural Resort Region since receiving the grant, we have contracted for and have completed the research report from BBC Research and Consulting in Denver and it is now on the website of the Office of Smart Growth. It is also on the Healthy Mountain Communities website and should be posted soon on

the Northwest Council of Governments website. Others have indicated interest in putting the report on line as well. To give the Board a sixty-second version of the information in the report compiled by BBC, what it found is that although revenue sharing is frequently discussed as an element of dealing with region problems, it is rarely implemented. There are about a dozen examples cited in the report where it has been implanted in various forms using various sources of revenue and distribution since the late 1970's. In Colorado, many counties including Garfield County have a county collected sales tax that is shared back with municipalities - this is about as close as we come. We appear to be plowing some reasonably unplowed ground in trying to implement this revenue sharing concept. With the completion of the report late last year and the publication of it, we completed Phase I of the grant. In the grant we had \$17,500 budgeted for Phase I, we actually spent a little less than \$15,000 completed that phase of the project by working through BBC.

Meetings have been completed in each of the five counties and the intent to deal with the informed consumers with local elected officials. Garfield County hosted one of those meetings here where we had local elected officials and others from Glenwood on down valley towards Silt, New Castle, etc. to get an introduction to the work we have underway. Jim said he did arrange subsequent meetings with the City Council of Glenwood and discussed this with them and spent some time with the Rifle City Council in the course of their budget deliberations. They have had meetings in all of the counties similar to the one hosted by Garfield County.

Phase II of the project is supposed to be a series of community meetings where the focus will be on two things: one is to introduce and educate people about the concept. Two is to review and select some possible project areas where this sort of effort may apply: housing, health care issues and RTA authorization legislation to deal with transportation issues and open space. In Phase II, we still need to do is to broaden the involvement by going out and speaking about this effort to other than elected officials. The Chamber Board here in Garfield County might be a logical group to do a presentation and other leadership groups. Jim is looking at some grass roots organizations as well to gain input on some things they may see as priorities. Therefore, he is looking for some methodology to focus on and set some priorities.

Phase III assumes that priorities have been set in all or part of the region and begin to flush those priorities out and do some additional research to see what needs to be done to address it. Assuming we have identified a revenue source, we want to go after the legal issues around that source.

Phase IV we anticipate is where the \$25,000 match from the Rural Resort comes in to do an implementation effort – the assumption being that you all have plenty of uses for the existing revenues you collect and that in one form or another we are likely to be going to a new revenue source which would require an election. In the discussions prior to filing the application for the grant, we didn't think it was appropriate to use the State Grant money in that sort of political effort. That is where the match from the County would be used.

In addition to the local elected meetings, we have done presentations at CCI, Government Finance Officers Association, and the local Treasurers and to the Northwest Council of Governments.

The consensus is that we need to focus on growing the pot rather and flesh out those alternatives rather than redistribution on any existing revenues that might be collected locally. The one exception to that that has surfaced occasionally is that if there are some efforts local governments might be involved with individually, and that they are expending moneys on, perhaps a broader collective effort might be more efficient. Maybe those expenditures might be pooled regardless of the revenue source whether it is general fund to address an issue regionally that you all may now be addressing individually. The one that comes to mind might be the Crisis Center. Maybe if that was an ongoing effort, some regional collective effort to deal with that might be appropriate using the money you are now allocating in that direction. On the other hand, it may be appropriate to include that in a health care piece that you may want to find a revenue source for and generate revenue regionally to support that and other kinds of efforts be insurance or emergency care, clinics, etc.

The other thing that has come up along the way is this concept that revenue sharing may mean that there are the haves and the have-nots – the haves are going to give to the have-nots. That is troublesome in some of those have areas although the have-nots would probably take any of the revenue they can get. Jim said he has really tried to present this along the way and the discussions have been focused less on that description of revenue sharing than on a description that really involves a mutually agreed upon effort that is mutually beneficial that addresses common problems. In his own mind, perhaps Eagle County and Lake County could agree upon a regional housing effort to house workers. Maybe there's some revenue source that generates some revenue in Lake County and they actually send it to Summit County and say, house

your workers down there and use this money to help do that and then Lake County wouldn't have the impacts to our schools and law enforcement and transportation system. The focus has moved from what many people commonly think of revenue sharing where we're going to collect money in Pitkin County and send it to Garfield County to a broad base revenue source that might be pooled to address needs wherever they may be.

Jim continued saying they are not going to force anyone to do this – it is a voluntary effort and will take place in all or part of the region.

The next meeting will be held on January 24, 2002.

4-H DAY – 100th BIRTHDAY – FEBRUARY 4, 2002

Nori Pearson and Alisha Valario, Garfield County 4-H Council President and State 4-H DAY has been declared February 4, 2002 in celebration of the 100th Birthday of 4-H, so they requested Garfield County 4-H Day be the same day.

Chairman Martin read into the record the Resolution:

Whereas social problems concerns our nation, threatened its future, and connecting youth and adults to work together through volunteer services, can bridge the differences that separate people and to help solve social problems, and

Whereas we, the American people, have a tradition of philanthropic and volunteers,

Whereas more than 6.8 million youths tough and enhance our lives of others during the 4-H Week throughout the year by doing good, by giving where there is need, rebuilding what has been torn down, teaching where there is a desire to learn, and inspiring those who have lost hope, and

Whereas 4-H youth, volunteers, and Colorado State University Cooperative Extension staff have joined to promote a day of collaborated volunteer community service and

Whereas 4-H has been helping youths and adults learn, grow and work together for 100-years, and

Whereas volunteer community services as an investment to our future, we must all share, and

Therefore, declare February 4, 2002 4-H Day Garfield County, and

We urge our fellow citizens to observe this day by connecting with youth, friends, fellow employees, and relatives, and with school, community and civic groups to engage in projects benefiting their community.

Chairman Martin – and we would like to prevent that and I would like to hear a motion to support and to send it forth to our community.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Pinkham Kennel – Special Use Permit – Zone Text Amendment

Carolyn Dahlgren stated on the Special Use Permit for the Pinkham Kennel Zone Text Amendment Issue, that she received a letter from Mr. Noone saying that Mr. Pinkham is taking steps to comply with your directive to shut down the kennel. The second thing in his letter said “we expect however to modify and resubmit the request for a zone text amendment following meetings we are scheduling meetings with other interested Garfield County citizens.” Carolyn requested this matter be placed on the Board's regular agenda on February 4, 2002.

Consent Agenda Item: Kock – Vacation of a Public Right of Way – Elk Creek Subdivision – Sections of Comachero Trail and Apache Drive

Council for the Homeowners Association, Calvin Lee has given Carolyn a red-flag – apparently the Homeowners' Association is going to take a position on this, and requested this be taken off of the Consent Agenda and placed on February 4th regular agenda.

Commissioner McCown suggested leaving this item on the Consent Agenda for February 4th and if necessary notice and hold a public hearing on February 19, 2002.

- **EXECUTIVE SESSION – Litigation Issues**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss litigation issues; motion carried.

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

PUBLIC HEARINGS

REQUEST TO APPROVE SPECIAL USE PERMIT IN RIFLE VILLAGE SOUTH SUBDIVISION. LOCATION: PARCEL B, RIFLE VILLAGE SOUTH FILING NO. 1. APPLICANTS: BRIAN AND TAANI RUST

Kit Lyon, Don DeFord, Brian and Taani Rust were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits: Exhibit A – Green & White Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D Application; and Exhibit E - Project Information and Staff Report.

Chairman Martin entered Exhibits A - E into the record.

This is a request for approval of a Floodplain Special Use for Brian and Taani Rust. The project site is about 8 ½ acres in size within the Rifle Village South Subdivision. This portion of the county is located within a delineated floodplain area and requires a floodplain special use permit. The applicants plan to develop the unimproved acres with a single-family residence, driveway, and a future barn/garage/shop.

Recommendation:

Staff recommends the approval of the Rust Floodplain Special Use Permit application concerning proposed improvements with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval;
2. That the Garfield County Zoning Resolution of 1978, as amended, and any other applicable state or federal laws concerning the 100 year floodplain, be complied with;
3. That all State and Local Health Standards be complied with;
4. That a flood elevation certificate, signed and stamped by a licensed engineer or surveyor (in the State of Colorado), be submitted to the Garfield County Planning Department prior to issuance of a Certificate of Occupancy;
5. That all building improvements be installed consistent with the Garfield County Building Code and that the lowest floor elevation shall not be lower than 5,346.6 feet.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a floodplain special use permit for Brian and Taani Rust with the conditions Nos. 1 – 5 as recommended by staff be included. Motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Leaving Wednesday for Aruba and will be back next Tuesday. Next week the Planning Commission joint meeting set for February 6 at 6:30 PM.

Commissioner McCown – Leaving Friday morning early AM and will be gone through Monday; Meeting of the Lower Valley Trails Group from 10 AM to 12 PM on Tuesday, January 22, 2002.

Mark Bean said they are asking to have representatives from all municipalities and local governments involved in this to be there to make sure they have the opportunity to have input into the development as this plan goes forward.

Chairman Martin stated, according to the enhancement funds from C-DOT the Lower Valley group has been given a grant for \$160,000 for this particular project already.

Ed mentioned that per Chairman Martin's request that he did talk to Craig Olson and asked him to pursue that funding for the bike trail.

Chairman Martin – Rural Resort on Thursday and Friday and Restorative Justice Room 402 for Walt. DOE – Meeting on the aquifer the January 23rd in Rifle but the State got involved in that and now it's looking more into February or March; CCI Legislative Reception for Commissioners on January 23 in Denver 5 – 6:30 PM at the Adams Mark; Garfield County hosting the Fire Plan Workshop for Commissioners, Planners, and Sheriffs on Friday, January 25 from between 2 – 5 PM; US Forest Service Workshop on the Forest Service Plan for the lower portion of Garfield County which is out of the Gunnison area is in Montrose on January 26; canceled the C-DOT meeting on Monday, January 28 with the engineers, Commissioners, and the planners; Club 20 in Denver – January 30; also Club 20 and the stack meeting in Denver on January 31 and the Subcommittee Meetings at CCI on February 1.

CONSENT AGENDA

- a. Approve Bills
- b. Sign an acknowledgement of Satisfaction Subdivision Improvement Agreement for Wintergreen Homes, LLC. Cerise Ranch Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a and b; carried.

Multi-Plex Subdivision – 6-Plex

Mark Bean mentioned the Multi-family Subdivision Issue saying he was at fault regarding this issue. We have an application that he did not think the Commissioners were aware of for a proposed 6-plex in the Mel Rey Subdivision off Mel Rey Road. In Kim's review of that we realized that this is technically a subdivision, had not included that as being a platted subdivision; technically by creating more than 2-units, apartments included [they are subdividing the property], our Section 9.18 of our Subdivision Regulations we adopted a couple of years ago in response to the Morrisanna Mesa and ALD issues precludes them from subdividing that property further. This would include the creation of the apartments which are allowed by a Use by Right in terms of zoning, but subdivision wise they are not. We think that this is something we need to take another look at and would like to propose some language to take to the Planning Commission at the Board's authorization to amend that language to allow for these higher density areas that allow for apartments to actually go through the subdivision process and create these units in areas where basically you have the central water and sewer. The only areas this is going to occur in will be in the areas that have urban services like right around the municipalities. The way this application is written, we would have to recommend denial and he didn't think as a Board would necessarily want to be denying this application since it is trying to get more apartments into the market, which seem to be in short supply presently. A motion was made Commissioner Stowe and seconded by Commissioner McCown to authorize staff to proceed forward with some suggested language regarding Section 9.18 of the Subdivision Regulations with the County Attorney's assistance and presenting this to the Planning Commission at the February 13, 2002 meeting and setting up a meeting for the Board to consider. Motion carried.

Executive Session – Legal advice concerning the process on vacating roads, on pending litigation, and the issue regarding Personnel in the Department of Social Services

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

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

BOARD OF HEALTH

A motion was made to go into the Board of Health by Commissioner Stowe and seconded by Commissioner McCown; motion carried.

Mary Meisner explained to the Board that all Public Health Programs are running smoothly.

WIC Program

We have 1,010 WIC Clients on the program.

Tattoo Parlors

They will start working with the Tattoo Parlors, one of the nurses will work for her certification under the American House and Safety so that they have completed an in-service and education, certify them. They have a Power Point Presentation they have worked on and will work on some health education. One of the reasons for really pushing this is because there is an increase in Hepatitis C nation-wide. It is not a licensing program, only certification.

Regional Hepatitis C Training

There will be a Regional Hepatitis C Training here on Wednesday, Room 301, Courthouse. Nurses will be here from all over the State.

Tobacco Use Grant

Mary submitted to the Board Communities of Excellence Monthly Report – December 1 – 31, 2001 regarding Valley Partnership – Contracting Agency.

The RFP is due March 15, 2002. Shelly Moltz is going to be here on the February Public Health meeting, Tuesday, February, 19, and she will be giving a report on last year and then let the Board know what the goals and objectives are for 2002. Mary submitted an update for the Board to review prior to Shelly's presentation.

Healthy Beginnings

Jim White resigned at the end of the month; as soon as there is a new person on board, and then they will have their annual meeting. February 5th is the date that interviews will be held.

Community Center Block Grant

Mary said she will be working on this, it is due February 10. They are using the 1990 poverty guidelines instead of the 2000 figures because they will not be released until late spring, early summer. The application date again is due February 10, they have actually been funding Healthy Beginnings for the last seven years, and they expect an enrollment of at least 230 clients. Mary felt they would meet that

expectation. In addition, what they are accepting is the \$34,830. They look at demographics to decide the amount.

HUMAN SERVICES COMMISSION

Sandy Swanson and Nancy Reinish presented the 2002 Meeting Schedule, Topic Presentations, and Proposed By-Laws – Changes and 2002 Membership Appointments.

Article III, Paragraph 1 (revised and confirmed on January 15, 2001) “The membership of the Commission shall consist of persons recommended by the human Services Commission and appointed by the Board of County Commissioners. The Commission shall be composed of representatives from:

Grand River Hospital District	Youth Services
Valley View Hospital	Law Enforcement
Behavior Health Services	Department of Social Services
Public Health Services	Developmental Services
Clergy	Citizen Representatives (3)
Educational Representatives (4)	Indigent/Homeless Services
Minority Services	Women’s Services
Early Childhood Services	Human Services Agency Reps (10)
Aging Services	

Vote: The Human Services Commission recommends the following changes to the above Article III, Paragraph 1:

“Combine the Grand River Hospital District category with the Valley View Hospital category and create a singular category titled “Medical Services.”

“Add a new category titled “Housing.”

“Eliminate the District #16 Educational Representative position to leave (3) Educational Representative positions.”

“Add a (West) Citizen Representative to create (4) citizen representative positions.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the changes to Article III as presented; motion carried.

Vote: The Human Services Commission received applications for open position from the following people:

Trish Filiss	Doug Self	Betty Clifford	Jane McCollor
Joan Baldwin	Geneva Powell	Mike Alsdorf	Sher Nate
Debbie Martinez	Pat Horwitz	Lindsay Neil	Mary Meisner
Kate Somsel-Longmore			

The Human Services Commission recommends the following applicants:

Open Positions:	Recommended Applicants:
Medical Services	Sher Nate
Housing	Geneva Powell
Clergy	Doug Self
Minority Services	(on hold)
Citizen Representative	Trish Filiss
Citizen Representative (W)	Betty Clifford
Human Services Representative	Pat Horwitz
Human Services Representative	Kate Somsel-Longmore
RE-1 District	Lindsay Neil
Human Services Representative	Karolyn Spencer

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the appointments as presented. Motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; motion carried.

SOCIAL SERVICES

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; motion carried.

Margaret Long went through the monthly reports she submitted to the Board and submitted the following:

I. Teamwork and Result to Date

- a. We have blended the pay and benefits package for all employees

- b. We have begun to delegate responsibilities and restructure of the management practices delegated to the Assistant DDS Directors – Lynn Renick and Lisa Pavlisick (Assistant DDS Directors)
- c. County Departments immediately affected and linked with the DSS
 - 1) Human Resources Department
 - 2) Accounting Department
 - 3) Administration (Assistant County Manager as direct link and liaison for DSS)
 - 4) County Attorney's Office

II. Potential and Desired Outcomes of the Garfield County BOCC

- A. The overall operations of the DSS will be stronger and more resilient with the division of the upper level responsibilities and authority by 1) The Assistant DSS Directors must continue to take on more of the responsibilities that have traditionally been done by the DSS Director; 2) Sound business practices dictate that we initiate and enact effective cross training for all positions; 3) As the Assistant DSS Directors become familiar with their responsibilities and assignments we must then pass control of the remaining two regional units (i.e. adult extended care, and child care licensing) from the DSS Director to the Assistant DSS Directors.
 - B. Completion of these “operational” goals listed in “II-A” will free up the DSS Director to oversee the DSS in Garfield County and pursue the “Big Picture” items. The DSS Director can more effectively 1) Develop intermediate and long range planning (3-5 years) with measurable goals and outcomes. 2) Assess the availability of grants and how best to pursue and utilize them. 3) Monitor and develop multi-jurisdictional IGA's that are mutually beneficial such as Child Care Licensing Program with continuation and expansion, increased quantity and quality of day care slots, equalize cost sharing, and secure future funding. 4) Establish or lay the groundwork for an Intergovernmental Child Care Facility for Garfield County to care for the children of Garfield County Employees and other governmental entities that may wish to participate. 5) Track State and Federal Legislation by a) Attend meetings dealing with relevant funding allocations, b) Assess impacts on Garfield County, c) Advocate for Garfield County, d) Evaluate current and future programs and report to the Assistant County Administrator and the BOCC with particular emphasis on: i) Relevant need for program in Garfield County, ii) Availability of funding, iii) Future funding, iv) Alternative funding, v) Potential impact to Garfield County both fiscally and physically. 6) DSS Director can act as a liaison with other county directors and Administrators providing opportunities to: a) Compare notes and resources; b) Develop Best Management Practices; c) Set goals and benchmarks; and d) Develop future IGA's that are mutually beneficial. 7) Spearhead an outreach program to deal with our current rising “DD” population in Garfield County and throughout the state by: a) Does the desire and/or will exist to provide services for these teen-21-year old clients; b) What potential is there for a cooperative interim program and/or IGA to address this problem; and c) How can we work with the state and/or the federal government – are there lobbying efforts needed and/or what is the availability of grants or other funding.
- 2) Conclusion

It is the desire of this Board to provide the best services we can to the citizens of Garfield County. This relates to all areas of the County including the Department of Social Services. It must be noted that we do not wish to micro manage any department however, we do wish to use all of our resources to allow our employees an opportunity to grow and develop and for each department to be the best that it can be. We recognize the unique talents and experience of our current Director of Social Services and desire to better utilize these talents, experience and contracts for the growth and betterment of Garfield County. This requires that we free up her time. The structure currently being implemented is designed to do exactly that.

This will be a combined effort of all parties if beneficial change is to take place. Change for the sake of change is a fool's game, but change that results in a stronger more vibrant organization is the only way we can grow and reach our full potential. The challenge to change is to let go of the familiar things that we have always done and to allow others to assume roles that we have traditionally when this is done properly the resulting organization is stronger than the sum total of all of the efforts previously presented. Our strength then lies not only in the individuals but in the diversity of management styles and the cross training that assures no one person is indispensable.

Lead on Political Issues

Chairman Martin thanked Margaret for being at CCI and getting information into the other Counties and hopefully we can get with our representative and setting up a meeting with Margaret and him. This leads up to a conversation that they had involving teamwork with the reorganization and the help that Margaret is receiving, that the Board of County Commissioners sit down with this group and keep everyone informed as to how everything is going, rotate a Commissioner so we have a real good grasp of how things are working. This would ensure we are all working on the same team and the same information. He said he was proposing that and hopefully this can be set up. Further, getting with Jesse, Lisa, Margaret and Lynn and set them up and run through some kind of an agenda and making sure we exchange good information and a good working relationship.

Margaret inquired if the Board wants to be the point person to do this.

Chairman Martin explained in detail that it was important as to how it is working, have at least a limited understanding of Social Services and felt everyone should attend it at a different time and as far as a point person, this could be decided later on.

Margaret asked specifics on what the Board wanted how they wanted it, going over it program by program and last year the Board stated that she didn't need to go through the various programs, therefore whatever it is they will be glad to produce.

Chairman Martin commented that it was not something she would produce but as a Board, we would go to her and watch the operations and then afterwards have questions. Just to see how you function, how you work, how the interaction of each unit and how it all goes together and at that point come up with a plan to make the entire department work better. The Board would also gain an understanding on how to ask the right questions.

Margaret summarized it as similar to riding patrol with the Sheriff.

Chairman Martin used the term "shadowing". He added that he wanted to be more interactive so when decisions are being made he knows what is going on as well. This will assist in understanding all the acronyms, the program, what hurdles you have, why you have those hurdles, etc.

Commissioner Stowe inquired as to how often this should go on.

Chairman Martin – when they have a meeting.

Margaret stated they used to meet a couple times a month for the total management team, now that it is in division, they are still in the process of regrouping and as far as meeting as a whole agency we rarely do that, there is a full staff meeting on February 14, 2002 from 11:30 AM until 1:30 PM. at New Castle at the Community Center and this will be the first time they have been able to get everyone in the whole department together in the last year. Staff will be hired to man the offices for the duration of the travel time and meeting.

Proxy – the Board delegated the proxy to Margaret Long for the HSS when one of the Commissioners is not able to attend the meetings.

Dual Diagnosis Youth Placement

Margaret brought this up at the CCI Meeting. Morgan County has their second youth with needs like this and Garfield County is trying to help them and some have just spent the money but there is a willingness to look at this issue.

Commissioner McCown mentioned we are spending money – it is just in South Carolina. Discussion was held with respect to quality treatment and the possibility of a facility in the area to provide quality treatment; there is a facility in Mesa that will accept some cases.

Child Care Survey

The survey will be sent out to all County employees and Margaret mentioned she will have Carrie Podl come to the meeting in March to give a report to the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; motion carried.

Western Slope Aggregates - Valley Resource Management

Mark gave the history, saying we have a request by the Blues through Western Slope Aggregates to amend our zoning to allow landfills by special use in the A/R/RD Zone District and one of the issues and concerns that we have is whether our regulations adequately address the standards for dealing with this type of situation. Kim had conversations with Valley Resource Management and they noted that we are not member of VRM, but at one time we had participated with them. Because of this, Tracy Houpt put this proposal together, which caught Kim by surprise, as they were not very aware of how this came about. Mark said this is a request to join.

Chairman Martin mentioned he had attended several meetings and King Lloyd used to attend as well. Mark said they note in this that Eagle and Pitkin Counties have their landfill directors as Board members on this particular organization. Kim was doing the research to address the concern about what type of waste stream do we have in this area – are we going to be caught having to deal with Pitkin and Eagle County’s standards, where is this going to be located, do we want to have a bunch of small facilities that have private operators running them, do we want to have one centralized regional facility, etc. The thought being was that if we want or need to take a further look at it with someone qualified. VRM is doing this type of analysis. The cost is .30 cents per cubic yard or \$1.00 per ton.

Carolyn Dahlgren suggested having VRM come before the Board and give a presentation to answer questions.

Commissioner McCown commented to Mark that he didn’t want to be a part of this group for \$22,000, our money would be much better spent on our own study, and maybe perhaps even with the existing information we could try to cut a deal with Mr. Beck that did the initial study and just focus on Garfield County, pay him to update it from 1991 to present – this may be a lot less than a year’s membership to VRM.

Ed said he directed Tom to implement a strategy with Mark in which we assume that this is out of County trash unless they can prove to us differently.

The Board said they did not have a problem with this direction.

Chenoa

Mark Bean submitted a memo from Michael Sullivan regarding Chenoa saying he had received confirmation that the proposed conditions of approval and questioned if the Commissioners approval intent was restricted to “contiguous property owners”.

Mamms View

Chairman Martin received an Internet Message from Brad Maestro of Buzick and Associates, Ltd. questioning the final approval of the Mamms View Subdivision in Silt.

Executive Session – EEOC Issue

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

Carolyn Dahlgren, Don DeFord, Jesse Smith, Ed Green, Mildred Alsdorf and the Board were asked to remain for the discussion.

ADJOURN

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

Attest:

Chairman of the Board

JANUARY 24, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 10:00 A.M. on Monday, January 24, 2002 with Chairman John Martin present and Commissioner Larry McCown via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

Others present for the special meeting included:

Attorney John Savage, Land Design – Ron Liston, Planning Director - Mark Bean, and via telephone Planner Davis Farrar.

Antenna West of Garfield County Airport

Davis Farrar informed the Board of a request that will be made via an application later today by Attorney Bill Brakin, an attorney in Grand Junction, who wants to put up an antenna west of the Airport.

Rifle Retail Ventures

Mark Bean submitted three actions that will be going to the Rifle City Council on January 29. The first is a preliminary sketch plan for Rifle Retail Ventures zone change and design variance application for a piece of property that's identified as the Schaeffer Family Partnership Property. This parcel is just over 48 acres. Mark added that from a staff point of view have just received the information, which is less than the twenty-one days that would normally be allowed and identified in the Intergovernmental Agreement with Rifle with review of certain land use applications.

Mark commented that in light of the information provided by John Savage, the County could waive their comments in terms of the request in 21 days, reserving the right to comment at the City Council, which will occur after the February 4th meeting where this issue will be discussed more formally. As a summary of the project, Mark added that they are proposing to split it into a total of 11 lots, 2 of the lots are 17.9 and 9 smaller lots that vary from just less than an acre to about 1.4 acres. Procedurally, the Planning Commission in terms of actions would be making a recommendation to the Town Council on the zone change and design variance issues. The sketch and preliminary plans technically do not normally go to the Council. Attorney John Savage advised Mark that it's his clients intention is to present the preliminary plan at the time of rezoning in the interest of explaining the entire project to the Town Council, so it will be presented as part of that application.

Mark added that the review of the application is scheduled to go to the Commissioners for their discussion on February 4, 2002.

Mark requested authorization for staff to write a letter to the Rifle Planning Commission stating that at this point we didn't have any objections to them proceeding forward with their consideration with the caveat that we reserve the right to provide comments under the IGA provisions for the Town Council meeting assuming that goes forward.

Commissioner McCown stated that at this point he would not have any objections with them proceeding forward at this point under those circumstances as long as we reserve the right for comment before the Town Council.

Davis Farrar commented that the staff would work with the applicant to resolve a number of outstanding issues. The Town engineer has some rather lengthy documents on engineering concerns with the applicant. Therefore, on the 29th he said he didn't expect the Planning Commission to take final action on any of these applications and there would be either a special meeting or a regular meeting at the end of February.

Commissioner McCown clarified that the meeting on the 29th was to just get the ball rolling.

Davis assured the Commissioners they would have adequate time to review and comment.

John Savage stated the prior plan does not technically go to City Council, the final plan does. Therefore, the County would have an additional time to comment. They will be asking P & Z to at least forward a recommendation on re-zone to City Council in order to move forward with them on a timely basis.

Preliminary Plan may be there but may not be passed by P & Z.

Davis Farrar commented on his understanding of the IGA saying that all three of these projects need to go to the County for referral and comment: Arabian Heights North, Rifle Airport Commercial and Storage Plaza and Rifle Retail Ventures.

Rifle Ventures - Motion

A motion was made by Commissioner McCown and seconded by Chairman Martin to rescind the first letter requiring the full 21 day review process before this can move forward, waive that time period

according to the IGA but keep the caveat to give comments after the Board has reviewed it on February 4th; or in front of Planning and Zoning if that remains the proper form. Motion carried.

Arbarian Heights North Preliminary Plan

Attorney John Savage mentioned the preliminary plan is expected to be continued and he is not requesting a waiver. Rifle P & Z has a right to continue the hearing for receipt of additional public information. The plan with staff is to start the hearing on this next week, but continue it for additional comment and input including the County comments, which would be within the 21 days for the February hearing.

Sills Annexation

Mark Bean stated that Mr. Sills is bringing a small parcel of property that was described as the northeastern end of his property.

Davis Farrar commented this was located at the Intersection of the Airport Road and CR 319 where the power line crosses. It is the easterly end of the property and on the west side of the rural road. This is known as the Bailey property and that has gone to the City Council for action on a Resolution of substantial compliance and the Rifle staff has recommended that the applicants also annex the adjoining portions of CR 346 and a stub of CR 319. Davis felt this would be the County's recommendation anyway.

Commissioner McCown asked Don to confirm that the eventual plans, once the improvements are done to the Airport Road going on over to Mamm Creek, there was going to be an abandonment of that lower road. If this were true, would that affect this?

Don DeFord stated that puts that under the control of the City. If they annex it, that leaves it up to the City whether they want to vacate that stub or not, or if they can.

Chairman Martin clarified not the entire road.

Commissioner McCown – but eliminating that road because of the maintenance and safety problems it has caused, once the primary route is improved.

Davis Farrar – if the County would comment on that, then the City and County would get together and figure where the road should end and where the Airport would probably turn up CR 319 and head up to the Airport. Then everything north of that would go away. As long as it did not disturb the access the applicant has to a public right-of-way, there would not be a problem.

Commissioner McCown – even that short stub portion could become a private access and would no longer be a public road.

Davis Farrar – it could be.

Commissioner McCown – once the improvements are made to the Airport Road going up the hill and that project was completed tying in with Mamm Creek, then that lower road was going to be looked at for possible abandonment.

Don DeFord – just to reemphasis the way to go if that is annexed, then that is entirely up to the City and we would lose control over that short stub.

Commissioner McCown – we would have to agree to annexation prior to the City of Rifle annexing.

Chairman Martin – and that would be part of our stipulation to support annexation.

Mark Bean asked the Board if they wanted to reserve comment on this particular issue or do they want to keep that letter that would technically address this issue and be continued subject to the Board making comment.

Commissioner McCown – yes.

Chairman Martin – the motion then would be to go ahead, invoke the 21 days, and not waive that right.

Commissioner McCown – yes.

Don DeFord – in light of that, at the next Board meeting there should be an Executive Board Meeting in order to provide the Board some legal advice on annexation of County Roads.

Davis Farrar – as we discussed on Arabian Heights North, in the action by the Commissioners on the Airport Commercial Plaza property, we could leave it in the same status where currently the staff is recommending this be continued so comments can be received from Garfield County within the 21 day time frame.

Commissioner McCown – then I would recommend a no action on the Sills property as well.

Mark Bean – the letter will only address the Rifle Retail Ventures application.

Commissioner McCown – yes, we will take them individually.

Chairman Martin – this was in the form of a motion then to take them individually.

Commissioner McCown – yes.

Motion carried.

Resolution - Excess Revenues

Mildred Alsdorf called to the attention of the Commissioners that a motion was needed to authorize the Chair to sign the Resolution regarding Excess Revenues. Legal notices were provided and this was addressed in a regular meeting. This only involved the lack of a motion being made. There is some urgency to this matter, as this needs to be into the Division of Local Government. This was heard in a public hearing on December 10, continued, and approved on December 17, 2001. Mildred explained that in searching the Minutes, a motion had not been made.

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign the Resolution concerned with retaining Excess Revenues pursuant to the provisions of Section 29-1-301 (1.2) C.R.S., as amended. Motion carried.

DMG Maximus Agreement to Provide Professional Consulting Services

Ed Green presented the annual renewal agreement with this contract to develop the rate structure for recovering funds from the State and Federal Government in the amount of \$6,000. Social Service is the prime focus of it. Last year the County recovered \$124,000 for a \$6,000 investment.

Commissioner McCown made a motion to authorize the Chair to sign the Consulting Agreement as described by Ed Green. Chairman Martin stepped down as Chair to second the motion; motion carried.

Adjourn

A motion was made by Commissioner McCown to adjourn the meeting. Chairman Martin stepped down as Chair to second the motion; motion carried.

Attest:

Chairman of the Board

FEBRUARY 4, 2002
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 4, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- **Employee of the Month – Jim Mower – Motor Pool**

Jim Mower and Tom Russell were present.

Jim has been with Garfield County for a little over one year and during that time, he has done a very good job.

Jim thanked Tom Russell for working very closely with him. He added that his goal is to be the very best employee he can be for Garfield County.

- **Designation of CCI Steering Committee – Proxy 2002**

Margaret Long was deemed to be the CCI Steering Committee Representative and hold the Proxy vote for the year 2002. This does not supercede the Commissioners if one or more are present.

Margaret has done a good job for the County in the past years that she has been designated.

Commissioner Stowe made a motion to appoint Margaret Long as the designated proxy voter for the CCI Steering Committee for the year 2002; Commissioner McCown seconded; motion carried.

- **Ed Green – Health Pool Board**

Commissioner McCown made a motion that Ed Green be the representative on the County Health Pool Board for the year 2002.

Commissioner McCown clarified that the Commissioners still maintain the vote if they are present.

The potential of a 15% increase in the health insurance if the eastern counties maintain their stand- this will be a key issue. They have one vote per county and have at least 50% of the vote.

- **Contracts – Human Services Grants**

Ed presented the following Human Services Grants for 2002 for signature of the Chair as previously approved by the Board:

Advocate Safehouse Project - \$9,000; Aspen Valley Community Foundation - \$1,000; Colorado Mountain College – Nutrition - \$5,000; Colorado Mountain College – High County R.S.V.P. - \$13,000; Colorado Mountain College – The Traveler - \$23,000; Colorado West Counseling Services - \$24,500; Columbine Home Health - \$8,500; Colorado West Recovery Center - \$25,000; Columbine Homemakers for Independent Living - \$8,500; Columbine Mountain Family Health Center - \$10,000; Family Visitor Program - \$20,000; Garfield Legal Services - \$22,228; Girl Scouts – Chipeta Council - \$1,000; Literacy Outreach - \$10,000; Mountain Valley Developmental Services - \$29,500; Planned Parenthood - \$1,500; Roaring Fork Family Resource Center - \$2,000; Salvation Army Glenwood Springs Service Extension - \$4,300; Sopris Therapy - \$1,000; and Youthzone - \$12,000.

- **Resolution - Forest Service Distribution Letter – Proceeds from the Timber – 95% goes to Road and Bridge**

Commissioner Stowe made a motion to authorize the Chair to sign the resolution concerning distribution of receipts from the National Forest Reserves, 2001 and directing the Garfield County Treasurer to make disbursement in the amount of \$333,273.09. Commissioner McCown seconded. Motion carried.

- **Road and Bridge Inventory/GASB Draft Work Plan – Randy Russell & Tom Russell**

Building and Planning Director Mark Bean, Senior Planner Randy Russell, and Road and Bridge Director Tom Russell were present.

Tom Russell and Randy Russell have explored the opportunity to integrate the County's new accountings needs (based on GASB) and our countywide transportation efforts now underway for the next two years. \$70,000 was approved for this effort for this year. We knew that some of this expenditure would be on baseline analysis, current conditions and inventories. The new GASB requirements now call for a very complete inventory of what the county 'owns,' and we take this to mean if the county is liable for replacement or rebuilding it, it needs to be inventoried and depreciated. This implies that all signs, structures, bridges, culverts, cattle guards, retaining walls, storm water structures, guard rails, fencing and

gates any other replacement cost item on the county road system, along with the roads themselves, need to be inventoried.

For this purpose, it is important to define the County Road System. For both the transportation plan and GASB that we are primarily concerned only with those roads and appurtenances the county has the responsibility to replace or repair.

To accomplish this inventory and model the baseline conditions for later analysis, Road and Bridge and Building and Planning have arrived at a draft work plan and cost estimate for discussion purposes.

The equipment required is not highly specialized and the work can be performed in-house with contracted seasonal employees and the use of existing vehicles and supervision. The two GPS Inventory seasonal employees estimated at 550 hours each estimated at \$15.00/hour = to \$16,500; one traffic county seasonal employee, half-time for 400 hours for a cost of \$6,000; four additional traffic counters would need to be purchased at \$6,000; fuel, supplies, repairs and miscellaneous expenses estimated at \$3,000; and report integration, printing and mapping supplies estimated at \$1,500 for a total of \$33,000.

Randy Russell summarized that this work plan leaves a budget balance of approximately \$37,000 available this year to hire consultant services to begin the modeling process and impact fee analysis, and to begin to integrate other information sources such as C-DOT, RETA, municipal studies, etc. with that selection process starting mid-summer and the first work products in the late fall. One of the aspects that can get underway earlier is public information gathering as well as an update of the now 5-year old origin and destination study through surveys.

This project could span 2-years and were that to happen; budget adjustments can be made in the fall to replace the shortfall that may be caused by the inventory.

Commissioner McCown favored beginning now with the current employees that are not plowing snow due to no snow. He has reservations of studying this thing to death.

Tom Russell wants to check the road counters every day. His thinking is to get the traffic counts, determine an origin and designation, and who is generating the traffic to and from. There was a similar study completed 5 years ago from Parachute to Aspen; this is a logical time to update. Then hire a consultant to come in, issue a RFP in August 2002, and do the model for an analysis of the costs of extra lanes, and improvements to intersections. Then begin planning and feedback to the impact fees. Signalization may be needed.

Commissioner McCown voiced a concern that the cost may not be justified.

Tom Russell favored updating the information as it gives the trend indicators.

Chairman Martin favored this study – the GASB is not an option and felt to combine this with an update of information in determining the impact fees were a positive move.

Commissioner Stowe – leaned more toward Commissioner McCown in saying it would be beneficial to have the two separated.

Ed said that it would be cheaper. Can someone compile this information and come up with a cost of redesign. This would be in an RFP to come up with a model.

Rifle is paying \$55,000 for theirs.

Commissioner Stowe wanted an estimate after the data is gathered.

Mark – during the budget process, discussion was held that this is a two-year process. The same amount for a budget line item would be the same \$70,000 for next year.

Randy Russell - \$120,000 to \$130,000 was the originally estimated cost and he did not feel they would have to come back and request an overwhelming amendment.

Don inquired as to making a deferential between heavy and light traffic.

Tom – some counters can determine the wheel base count and the space.

Randy – to get this particular type of information requires eye-balling the peak counts – 15 minutes to verify what the counter has been telling you all week.

Direction

Commissioner Stowe made a motion and seconded by Commissioner McCown to proceed but before phase ii need to know what the procedure and the cost. Inventory necessary, the count and what we are going to do with the information in the future is the concern of Commissioner McCown and Commissioner Stowe.

- **Approve and Sign – BLOCK GRANT**

Mary Meisner will submit the Block Grant this week.

Commissioner Stowe moved to ratify the signature of the Chair on the CSB allocation of \$34,830.00 as submitted by Mary Meisner. Commissioner McCown seconded the motion; carried.

- **Legal Services**

Don DeFord stated that he had reviewed the lease for the year 2002 and it is consistent with the County practices.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Lease with Legal Services for the year 2002; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

- **Discussion Regarding Re-Appportionment**

Don DeFord and Mildred Alsdorf had discussed this decision by the State and mentioned the County has submitted their concerns and opinion of the reapportionment; why declare such insignificance to Garfield County by splitting the Senate Districts. They also expressed the problems this would create for an election. Don said a lot of time was spent discussing the issue on the Senate Plan; and not a lot on the House Plan. Commissioner McCown – they totally ignored the district boundary lines.

Don said they had three minutes in which to present the case.

Mildred – said we could send a letter stating our view. They did not stay within the precinct bounds and we clearly need to express our views on the matter. This will make it very hard to re-precinct. It would not hurt to draft a letter outlining that they messed up three precincts.

Commissioners McCown – they did not follow the lines in their split and I think we need to say that. He requested the letter come under the signature of the Chair and made a motion to authorize such a letter drafted by the County Attorney so indicating the wishes that they do follow precinct boundary lines that were created prior to this.

Commissioner Stowe seconded; motion carried.

Commissioner McCown – they have been given a date of February 7; what hope is there that they will go back with something.

Don said they will go back with something, but whether or not it is an improvement we will see. One of the advantages for our County out of this decision is essentially they ordered them to look at the entire State again and found it interesting that they did not give a lot of weight to the argument that they had to start at a particular point in the State and then, as a result of that, certain splits would occur. The Court said that is really not a basis for splitting Counties because you picked a different starting point for evaluation. It may in fact give us a good argument to have them re-look at the County, although it is not one we can compel. They are meeting on February 7.

Cattle Creek – Utility Easement

Carolyn Dahlgren and Jeff Nelson were present for the discussion.

Access

Holy Cross and Gregg Boecker of Elk Springs – Electrical Easement – and would like to see a future easement to bring electricity to a site below the Cattle Creek Holy Cross holds the easement – need an agreement between the two parties showing consideration. It will be a three party agreement and easement. The access agreements may be needed for the water and sewer folks.

Jeff clarified this would be a utility easement.

A motion was made by Commissioner Stowe to grant a public easement dedicated to Holy Cross for the twenty-foot easement on the northwest side of the staging operation site known as Cattle Creek for Road and Bridge. Commissioner Stowe seconded. Motion carried.

EXECUTIVE SESSION

- **Executive Session – Legal Advice – Pending Litigation – Contract Negotiations -**

Advice Land Use Issues

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

Mark, Jesse, Ed, Mildred, Carolyn, Don and the Commissioners were present for the session.

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

COMMISSIONER REPORT

Commissioner Stowe – Wed. Executive Meeting – Healthy Beginning Board – Decision; Thursday, Randy Russell Open House

Co; Feb. 12 – Fair Board Meeting

Commissioner McCown – Rotary – Trish and Ed – State of the County – Tuesday 7 a.m. P & Z

“Workshop” Wednesday – Thursday, Oil and Gas Meeting – Tuesday,

Chairman Martin – Thursday – Three Subcommittee Meetings – Denver; Library Board

CCI Steering – Smart Growth to Oil and Gas that requires them to pay triple for not following the current regulations. Partial takings – water issues – growth that requires the County to do several things. State Fish and Game – discussed on Saturday, and Land Use.

Commissioner Stowe - Thursday, Randy Russell – open house.

Going Away Party on 1/29/02 for Ken Maenpa – Former Airport Manager

Commissioner Stowe requested his e-mail go through his AOL address.

Open House – New Courthouse Plaza – Friday, February 8, 2002 – Lunchtime

Valentine Luncheon on Thursday, February 14 – Room 402 – 11:30 – 1:30

Ed Green - Friday – City/County, Interview for Bridge – Hwy 82 Intersection

Airport Manager – Applicants – Good Selection of Applications

Video – Garfield County

Ed mentioned that there was a video on the County that was available as an Educational Tool – 30 minutes.

Silt Ambulance Annual License

This will be scheduled on February 11, 2002 Agenda

LOVA Trails

Lova Trails – Randy and Kit were requested to provide the Board with the amount of in-kind provided at a senior planner billing rate and to list accomplishments.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Special Use Permit for Steve Hoeing
- c. Sign Resolution of Approval of a Preliminary Plan for the Native Springs Subdivision
- d. Approve and Sign Resolution Vacating Portions of a Public Right of Way in Elk Creek Subdivision
- e. Error Relating to the Signing Resolution 2002-06 with Los Amigos Ranch Partnership
- f. 1041 Highways and 1041 Mass Transit

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items A - F; carried.

REQUEST FOR APPROVAL SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT IN THE A/R/RD ZONE DISTRICT. LOCATION: PARCEL D, CHRISTELEIT SUBDIVISION. APPLICANTS: JOE BERTONE AND MELBA MCGEE

Kim Schlegel, Don DeFord, Joe Bertone and Melba McGee were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kim submitted the following Exhibits: Exhibit A – Green and White Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Application and materials; and Exhibit E – Project Information and Staff Comments.

Chairman Martin entered Exhibits A - E into the record.

This is a request for approval of a special use permit to allow for an accessory dwelling unit in the A/R/RD zone district on a 10-acre parcel with access off CR 119 to Heather Lane. The applicant is proposing to construct a 650 square foot accessory dwelling unit above a detached garage.

Recommendation:

Staff recommends Approval, with the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
3. That all State and Local health standards are complied with; the applicant shall acquire the appropriate septic permit as part of the building permit process.
4. This approval shall be valid until 02/04/03. If the applicant fails to meet these conditions by 02/04/03, and subsequently the special use permit is never issued, the approval shall automatically expire, unless the Board of County Commissioners grants an extension.

Seth Brickner – 687 Heather Lane – In the Homeowners Association adjacent to Christeleit Homeowners Association which is Christeleit View's Homeowners Association, share a common well so the concern here is how this variance might affect a common water source for the two subdivisions.

There is no concern with people having guests at their house, but the concern is an accessory dwelling built with the purpose of renting it out. The original subdivision agreements in 1992 did allow for a guesthouse

however, copies of the amendment, dated 1994, to those covenants and they specifically deleted the use of a guesthouse in the description. Seth read into the record: In the original declaration of protective for Christeleit division, on Page 6, Section 8.1 "no more than one single family dwelling shall be erected on any lot. A total of 3 detached outbuildings used as a guest house or a non-dwelling garage, stable, barn, tool or storage shed or buildings necessary for the sheltering and keeping of animals are permitted if approved by the ACC." In 1994 this was amendment specifically deleted that Section 8.1 "no more than one single family dwelling shall be erected upon any lot, a total of 3 detached outbuildings used as a non-dwelling garage, stable, barn, tool or storage shed, or buildings necessary for the sheltering and keeping of animals are permitted if approved by the ACC." He offered copies for anyone who wanted to review these amended covenants. He tried to search the Clerk's records but was unable to locate the information. He also has a concern about extra water usage and traffic impacts on Heather Lane.

Don responded on the water. If this well serves two subdivisions, how many lots are served by this well?

Seth Brickner – there are two wells, serves twelve and two permits per lot.

Seth also submitted three letters from members in the subdivision.

Kim Meckling - 690 Heather Lane – lives in the adjacent subdivision. She felt confident these amended covenants were recorded because they have a reception number and a book number but was just made aware of this amendment a few days ago.

Mildred searched the records and could find no amendments to the Covenants ever being recorded.

Kim continued saying that she is one of the longer-term residents at the Christeleit Subdivision and shed some light on the situation. The two wells were set up to serve both subdivisions and there are two wells one is a backup well, which only serves one resident currently. The primary well serves 11 lots.

She started the problem in that several years ago they were building a new home on their lot and wanted entertained the idea of putting in an accessory dwelling above their garage so they could move into that while constructing the new home. In doing that, she found out that they had to apply for an accessory dwelling unit and get additional water from Basalt Water Conservancy. She started the process and later found that it was going to be a huge ordeal and therefore she dropped it. Since then, the Flems, one of the first residents of Christeleit View Subdivision were looking into selling their property and they went ahead and filed the well permit. Now, they found out that we do have the legal access to the water to supply 24 homes instead of 12. One very close adjacent well within 600' has failed in the last month. – and this is a huge concern. Joe and Melba did not know. In Christeleit, they do not allow any kind of an outbuilding with water or plumbing in the seven homes within their subdivision. In Christeleit View, it seems that the intent was that would not also be allowed. If there five lots are allowed and our seven are not, and we are all on the same well and the same road that is a huge split point between both subdivisions. Our goal is to get everyone together as 12 lots and decide to either standardize our covenants so everything is fair. The water, the road are huge problems and in Christeleit they do not want any accessory dwellings allowed. Chairman Martin – the County does not enforce Covenants in individual subdivisions.

Debbie Amsted – 142 Heather Lane – just adjacent to Joe and Melba. She reiterates their concerns primarily about the water. She did mail a letter to the Building & Planning Department last week. They just learned today that there was an amendment and no one she has talked to have the amended covenants and were not aware of excluding the accessory dwelling unit. Her letter indicates they are in favor of Joe and Melba having this accessory dwelling; however, with the covenants being changed then she would like the Commissioners to be aware that she would like to stay in keeping with the other lots. If one person is successful at getting an approval for an accessory dwelling, then all can come and do that and eventually it will be a water problem.

Joe Bertone - This amendment to the Covenants is a surprise.

Commissioner McCown mentioned if the amendments were not filed, it is not legal anyway.

Joe admitted he did not have a copy of these amendments. He is just now building his house and the garage is detached; he just purchased his property in March 2001.

Melba Bertone mentioned that a lot of neighbors signed the petition of support for this Accessory Dwelling Unit.

Lanny Carlson – 486 Heather Lane – water issue is his main concern. He worked with the water district for 25 years in Vail and has seen the small developments and the headaches occur when there is a lack of water problem. When he purchased this property, it was a concern but felt that because there were only 12 lots and the manner in which the covenants were stated, that there would be adequate water as long as everyone paid attention to how they used the water. Now the Chenoa situation – this is a concern to the aquifer – guessed they will be using one millions gallons of water drawn public from the valley, which could affect

demand on the system. Large investment in this house they purchased. If units keep on being added – if Joe sets a precedent - then everybody can do this – he is in the other subdivision – Christeleit. This one well across the street is marginal at the present time; Kim said this well ran dry –there’s one well that is 240’ and if they run dry then we are drawing the table down, our is somewhere around 400’. There is a small 10,000 gallon storage structure – each house a 1500 gallon storage tank if there is a well problem, and then everyone has a water backup while they tend to the situation.

Jeff Tuttle – Christeliet Subdivision, Parcel D – his signature may be on the amendments. He wrote a letter to the Commissioners saying this would be setting a precedent for double occupancy; he believes this would affect their water and architectural.

Exhibit F – Letter from Kim Mechling; Exhibits G – Jeff and Kathy Tuttle; Exhibit H – Amendments and Exhibit I – David and Karen Dixon.

Commissioner Stowe

Exhibit J – Letter from Kim Mechling

Mildred Alsdorf reported on her search of the recording records. She found the recorded declaration of protective covenants for Christeleit Subdivision 1994.

Don said she is now trying to find the legal description that was supposed to be attached to these in order to get a direct answer as to what property is bound by these covenants. Don referenced 8.1 in the original documents for covenants as set forth in 1992. 8.1 says “a total of three detached outbuildings used as a guest barn or non-dwelling garage, etc. 8.1 in the 1994 covenants states “no more than one single family dwelling unit shall be erected on any lot, a total of three detached outbuildings used as non-dwelling garage, stable, barn or storage shed” and deletes all reference to guest house. Don stated one thing you should be aware of and Mark may have actual memory of this, your regulations in 1992 do not appear to make provision for an accessory dwelling, although they did for a guest house. That was added in 1995 and the covenants in 1992 as drafted, not only refer to a guesthouse, but specifically provided that any guest house had to meet the conditions of the Garfield County Zoning Resolution. So it appears in the original covenants that reference to guest house was intended to be specific to the County regulations.

Commissioner McCown inquired of Don DeFord, had there been an amended – that would have been referenced by the title company at the time of purchase.

Don responded yes.

Joe Bertone said in closing that he purchased the land, development started, review committee felt they did have all the information, signed off on the project and may have to put birth control since adding his father and mother in that subdivision.

Mark Bean – read from the Garfield County Zoning Resolution saying it can be as a guesthouse by a Special Use Permit. It is less than 1,000 sq. ft. and his parents will be the ones living in it.

Mary Brickner – 687 Heather Lane, in the guesthouse requirement, is a kitchen involved.

Mark said it is a 1,000 sq. ft. of less and it would have a kitchen, bathroom and the distinction between the two is an accessory dwelling unit could be 1500 sq. ft. in size and it doesn’t have the limitations on use, it could be a rental whereas a guesthouse cannot be used as rental.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow a guesthouse following the County guidelines and restrictions for a guesthouse, clearly it is not an Accessory Dwelling Unit with Conditions 1,2, 3, and 5 of the recommendations of staff, deleting No. 4; motion carried.

Commissioner Stowe recommended they record the amendments for future lot purchasers.

Joe Bertone said their original intent was for a guesthouse, not an accessory dwelling.

Susan Carlson – if they find the amendment has been recorded.

Mildred stated that she did not find an amendment recorded.

Chairman Martin added that this needs to go through the HOA for review and then submit it for recording, attached to the original covenants through the amendment process of those covenants so the Staff and real estate folks would have to identify those at the time of sale.

Mark – pointed out that technically covenants are enforced by the HOA and they are not enforceable by the County, so if there is an issue regarding the covenants, the HOA needs to bring action in the Civil Court.

REQUEST FOR APPROVAL SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT. LOCATION: 5829 COUNTY ROAD 243, NEW CASTLE, CO. APPLICANT: DAN KERST, ESQ. ON BEHALF OF THE WARREN STULTS TRUST.

Mark Bean, Don DeFord, and Dan Kerst were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application; Exhibit D – Project Information and Staff Report; Exhibit E – Letter from the US Forest; and Exhibit F – Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin entered Exhibits A - F into the record.

This is a request for approval of a Special Use Permit to allow an accessory dwelling unit at 5829 CR 243, generally located north of New Castle, off of Main Elk Creek on approximately 60.0 acres. The applicant has an existing house on the property that will be remodeled into a dwelling not to exceed 1500 sq. ft. and it would become the accessory dwelling unit on the property.

Recommendation:

Staff recommends Approval, of the Special Use Permit, with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The applicant will comply with all requirements of Section 5.03.21 of the Garfield County Zoning Resolution. Including the requirement that only leasehold interests will be allowed for the accessory dwelling.
3. All of the proposed remodeling will meet the building code requirements, a building permit will have to be obtained, and construction completed before the issuance of the Special Use Permit.
4. Either a professional engineer, licensed in the State of Colorado, will certify the adequacy and installation of the ISDS being consistent with the County and State ISDS regulations for the accessory dwelling or a new ISDS permit will be obtained as a part of the building permit process for the accessory dwelling.
5. Prior to the issuance of the Special Use Permit, the following documentation will be provided to the Planning Department:

That a four (4) hour pump test be performed on the well to be used.

A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

A written opinion of the person conducting the well test that this well should be adequate to supply water to two (2) dwelling units.

An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids.

Dan Kerst – the current home is about 13,000 square – adding 200 sq feet – a mudroom and a place to add the new heating system. Dan submitted a letter that he read into the record “the staff comments presented on this application are appropriate and the recommendations for approval are acceptable. However, we would request that the Special Use Permit be issued subject to satisfaction of the conditions set forth. This request arises from our goal to provide my wife’s 79-year-old Uncle Warren Stultz with a more comfortable and more easily heated home with an attached garage. The new house and garage have been completed and final certificates of occupancy have been issued for both. In order to allow Warren to stay on the Ranch, which has been his home for 37 years, for as long as possible, he needs help. Our intent is to use the older home for a caretaker who can help Warren with snow removal, irrigation, feeding the horses and other physical needs on the property as well as being next door to respond to any emergency or immediate needs which Warren might have. We have a skilled carpenter and his wife renovating the home. Since the care taking is needed immediately, we would request that the special use permit be issued with the following conditions:

1. The home can be occupied provided that A.) building permit has been issued for the remodeling and the County Building Department has determined that the home does not pose any immediate safety concerns for its occupants; (recognized the details need to be worked out) and he submitted a letter from Charles Peterson, a professional engineer addressing the foundation which is one of

- the first questions asked about by the Planning Department when he approached them about this. This does reflect they do intend to do it correctly and handed out a floor plan showing the current structure of the building with the add-on of the mud/utility room and an engineered electrical plan for the re-doing of the electrical in the house. B) The pump test or other well related requirements as set forth in No. 5 of the staff report be provided to the satisfaction of the planning department. (Wayne Shelton drilled the well and Ron Samuelson installed the pump and was verbally told the pump test is at 30 gallons per minute. Well quality test is satisfactory and it will be submitted.)
2. ISDS – comment that Warren has not had any problem; does not deny that it needs to be replaced. Caretaker and problems with the septic, they will take care of it. Dan said he would like to get out of the winter before tackling it.
 3. This request is based on the fact but for the construction of the new home and the resulting requirement for a special use permit to occupy the old home as an accessory dwelling unit, Warren and anyone else for that matter, could have continued to live in the home indefinitely in its "as is" condition. Our goal is to significantly renovate the home, making sure it complies with the building code requirements while providing Warren the care taking help he needs in the meantime.

Exhibit G – letter read into the record by Dan Kerst and Exhibit H - letter from Peterson regarding the structural integrity of the existing log home. These were submitted into the record.

The remodeling is scheduled to be complete by 2003.

Mark indicated a building permit could last that long however, there would need to be an inspection at least every six months.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Special Use Permit to allow an Accessory Dwelling Unit for the Warren Stults Trust with the five (5) recommendation made by staff; and the request of the applicant and the 3 conditions listed with that caveat.

Mark Bean mentioned there was a misunderstanding on his part and there would not be a problem with the caretaker moving in and literally trades these units. So in that sense he didn't have the same concern from a staff point of view; however he does have the concern of the ISDS when you are adding more people to it. Mr. Stultz by himself may not create the same problems that perhaps a family will. That issue needs to be dealt with. The issuance of a building permit that way is to make sure that they do comply with the inspection every six months to keep it current.

Motion carried.

REQUEST FOR APPROVAL CONDITIONAL USE PERMIT FOR ROSZYK TIMBER HARVEST. LOCATION: IN THE AREA OF CARR CREEK, NORTHWEST OF PARACHUTE. APPLICANT: ED ROSZYK

Don DeFord, Kit Lyon, Kelly Rogers of Forest Service and Ed Roszyk were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits: Exhibit A – Green and White Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Application and Attachments; Exhibit D – Project Information and Staff Report; and Exhibit E – Zoning Resolution of 1978 as amended.

Chairman Martin entered Exhibits A - E into the record.

This is a request for approval of Conditional Use Permit to allow timber harvest along the escarpment and talus slopes, and a Special Use Permit to allow timber harvest along gentle slopes on the lower valley floor on an area of approximately 40 acres of the 2,510-acre property located in the area of Carr Creek and Roan Creek.

Kelly Rogers of the Colorado State Forest Service prepared the plan in June of 2001. The applicant proposes to harvest approximately 40 acres of Douglas-fir timber at elevation ranges from 6,400 to 7,600 feet. The timber is on 40% or less slopes and is planned to be harvested with conventional rubber tired skidders. The haul route will be from the top of the sale area to CR 207, along 204, Mesa County Road 45 to I-70 for a total of 27.9 miles. Once the permits have been obtained, the sale is expected to take one year to complete. Seasonal shut downs are anticipated for spring runoff during March to May and for big game hunting season October and early November. Heavy snows typically prohibit logging from January to March.

Staff recommends approval of the application for a conditional and a special use permit with the following conditions on each permit:

1. That all representations made by the applicant in the application, timber harvest plan, or at the public hearing shall be conditions of approval, unless specified otherwise by the Board of County Commissioners. Said representations include, but are not limited to: a. Dust will be controlled with water or dust control chemicals so that it does not become a nuisance. If these are not sufficient means of dust control, the number of truck trips per day, and the speed of the trucks, shall be reduced as necessary. b. The appearance of a mature, high forest will be maintained. c) If slopes of 50+% are harvested, they shall be done so with helicopters. d) A maximum of 2,500 tons will be harvested using selective cutting methods. e) Intermittent drainages shall be crossed at right angles, with 18" steel or ADS culverts placed on a 2-4% grade, covered with at least 1' of dirt, and provided with a rock apron for spillage. f) Landing slash will be burned during favorable conditions, with the proper permits. Burn areas and skid trails will be disked and re-seeded. Culverts will be stabilized. Noxious weeds will be monitored and treated. g) Subsequent sales will obtain the appropriate new or expanded permits. h) All operations will cease during spring run-off (typically March-May) and during big game hunting season (September to early November). Nesting sites for raptors will be identified prior to harvest, and will be protected from damage. In addition, an average of six (6) trees per acre will be left standing. i) Chain saws shall be equipped with spark arrestors and all motorized equipment shall carry at least one shovel and one fire extinguisher.
2. The roads shall be maintained adequately. The applicant shall work with the Garfield County Road and Bridge Department to create a road maintenance agreement. Said agreement must be approved by the Board of County Commissioners prior to issuance of any conditional or special use permit;
3. That a weed control program shall be created and submitted to the Garfield County Vegetation Manager for approval prior to issuance of any permits. The approved program shall be implemented on both County (specifically CR 204 and CR 207) and private roads.
4. That all timber hauling on County Roads shall occur Monday through Friday, between the hours of 6 a.m. to 6 p.m., shall not exceed 10 loads per day, and shall be within legal weight limits. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.
5. That the forest management practices will be monitored for compliance with the Douglas Fir timber harvesting plans by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.
6. That a bond of \$100,000.00 will be placed with Garfield County to be used for the repair of CR 204 and CR 207 due to damage attributable to the applicant's activities, for mitigation of impacts, for implementing rehabilitation of the site, and for controlling noxious weeds. The bond can specifically reference the Road and Bridge agreement, the approved vegetation and rehabilitation plan, and the timber harvest plan as needed to provide a level of specificity. The bond shall be valid for the period of time that the applicant is actively logging on their property. The \$100,000.00 bond shall be issued solely for the Roszyk project, and not cover any other operations;
7. That the Special and Conditional Use Permits are subject to review for compliance or noncompliance with the timber harvest plans and the conditions placed on the permits. The applicant will be required to submit a report one year from the date of issuance of the special and conditional use permits indicating the measures taken to comply with the performance requirements of the permit. The Board of County Commissioners will review the report in a public meeting with 30 days of receipt of the report and may determine that a public hearing is necessary to consider suspension of the permit or that conditions of approval must be met before additional activities can occur on the property;
8. That this conditional approval shall be valid until 12/10/02. If the applicant fails to meet the conditions by 12/10/02, and subsequently the conditional and special use permits are never issued, the approval shall automatically expire, an extension is granted by the Board of County Commissioners;
9. That the volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes at the time the application was approved (12/10/01).
10. That the ground vibration inherently and currently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located;
11. That emission of smoke and particulate matter shall comply with all Federal, State and County air quality laws, regulations and standards.
12. That the following shall not be emitted: heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases,

aircraft warning signals, reflective painting of storage tanks, or other such operations, which may be required by law as safety or air pollution control measures, shall be exempted from this provision.

13. That the applicant shall comply with the BLM and Mesa County access permits, and shall obtain and comply with any other necessary permits.
14. That the applicant, per the Division of Wildlife comments in their review letter dated 11/23/01, shall reduce the potential for human/bear conflicts by placing and utilizing "bear proof" trash containers at work-site/camping locations; That workers affiliated with the project shall be advised not to feed bears, whether intentional or not.

Kelly Rogers mentioned a concern about the \$100,000 bonding requirement saying this is a small area and that limits future buyers. He wondered if the Commissioners would perhaps consider re-visiting that issue and possibly setting a lower bond for 50 to 100 loads.

Commissioner McCown – how do you suggest we strike the bounds; gage the cost of roads; this tends to have accumulate affect. Heavy trucks do a lot more damage that a passenger vehicle. He said he would welcome what is a fair bond. The same problem was voiced with Diamaniti; the bond made it cost-prohibitive to do the timber but at least the roads were not torn up.

Kelly – his suggestion would be to lower the standards for this type of a review. Doug Ferris has also spoken to the Board about the same requirement of bonding – he is the type that would haul a load every day – this is the same as hauling a load of cows or a load of hay.

Commissioner McCown – they are vested with the assets of Garfield County; we need to come up with a way to protect the assets of the County and allow this to go through.

Kelly -this is the only County that has a requirement like this; Mesa County, it is a County Road and they do not have any requirements. He added that he didn't have a problem with the conditions.

Kit - Note on 8 & 9 the dates should be changed to reflect one year from today - Feb 4, 2003.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Conditional and Special Use Permits to allow the timber harvest along the talus and gentle slopes and on the lower valley floor the Edward Roszek application with the Conditions of staff 1 – 14 with corrections made to No. 8 to reflect the date of 2/4/03.

Commissioner McCown suggested the applicant get with Tom Russell, Director for the Road and Bridge Department, and see if some type of an agreement could be made on these bonding issues. Perhaps Tom can bring something before the Board.

Kit will do a spreadsheet on the way other Counties are handling the small loads.

REQUEST FOR COMMENT - PRELIMINARY PLAN TO THE CITY OF RIFLE – RIFLE RETAIL VENTURES. LOCATION: ALONG COUNTY ROAD 346 (AIRPORT ROAD). APPLICANT: RIFLE RETAIL VENTURES, LCC.

Don DeFord and Kit Lyon were present.

Kit submitted a memorandum to the Commissioners regarding the receipt of the Rifle Retail Ventures Preliminary Plan application that was forwarded from the City of Rifle to the County Building and Planning Department on January 21, 2002 with a request for comment. According to the IGA signed by the County and City of Rifle, this application falls under the definition of a "major development application" and must be referred to the County immediately upon receipt, prior to even being deemed complete. There is a twenty-one day review period with comments to be received by the City for consideration as the subject property continues through the land use review and approval process.

Letter from Kenny – Airport Manager – disagrees with the

The Garfield County Planning Staff offers the following comments regarding the Rifle Retail Ventures proposal:

1. The City of Rifle Planning staff (Davis Farrar) has prepared a comprehensive report regarding the development and is in the Board's packet of information. Impacts to Rifle's downtown businesses are anticipated. A proactive plan to deal with the impacts may minimize adverse effects, and speed recovery.
2. While the type of request is three-fold (sketch/preliminary plan, zone change, and design variance), no floodplain permit has been applied for. This type of application should be made and approved prior to any site disturbance, since the property occupies two different floodplains.
3. The Division of Wildlife (DOW) has made comments that are contrary to Garfield County Airport operations. Detention ponds, landscaping, or other facilities should not be designed to attract waterfowl. Attraction of these species in an area requiring an aviation easement endangers public safety.

4. Reduction of the total number of curb cuts will have a beneficial impact on traffic flow on Airport Road. Providing access between the subdivision lots will also be beneficial to traffic flow.
5. The development proposal ought to be referred to the Lower Valley Trail Group for review and comments, as a courtesy.
6. This property lies adjacent to the Garfield County Airport property, and appears to lie within a critical runway approach zone. The maximum height allowed in the proposed P.U.D. and CS zone district is not known. It may be necessary to restrict the types of land uses and heights beyond what is allowed by the proposed zoning, or Garfield County's ability to obtain future funding for the airport could be jeopardized.
7. The entire width of County Road 346 (Airport Road) adjacent to the subject property must be annexed into the City. In the event it is not annexed, access to the property from the County Road may be denied by Garfield County.
8. The Garfield County Engineering Department is currently designing road improvements to the roadway adjacent to this property. Their comments are in the process of being prepared. The same comments will be made for Sills.

**REQUEST FOR COMMENT – ANNEXATION OF CITY OF RIFLE (SILLS ANNEXATION).
LOCATION: ALONG COUNTY ROAD 346 (AIRPORT ROAD). APPLICANT: MARK SILLS
FOR RIFLE AIRPORT COMMERCIAL PLAZA AND STORAGE.**

Don DeFord and Kit Lyon were present.

Kit submitted a memorandum to the Commissioners regarding the receipt of the Sills Annexation/Rifle Airport Commercial Plaza and Storage Phase 2 PUD and Preliminary Plan. The application that was forwarded from the City of Rifle to the County Building and Planning Department on January 16, 2002 with a request for comment. However, it has become apparent that a complete copy of the application was not forwarded (the PUD and Preliminary Plan information was missing). Staff hopes to receive this information prior to the Board of County Commissioners meeting on 2/04/2002.

According to the IGA signed by the County and City of Rifle, this application falls under the definition of a "major development application" and must be referred to the County immediately upon receipt, prior to even being deemed complete. There is a twenty-one day review period with comments to be received by the City for consideration as the subject property continues through the land use review and approval process.

The Garfield County Planning Staff offers the following comments regarding the Sills Annexation proposal:

1. The City of Rifle Planning staff (Davis Farrar) has prepared a comprehensive report regarding the development.
2. A portion of the Dry Creek floodplain impacts the property. While the type of request is three-fold (annexation, preliminary plan, and zone change), no floodplain permit has been applied for. This type of application should be made and approved prior to any further site disturbance.
3. The Division of Wildlife (DOW) has made comments that are contrary to Garfield County Airport operations. Detention ponds, landscaping, or other facilities should not be designed to attract waterfowl. Attraction of these species in an area requiring an aviation easement endangers public safety.
4. Reduction of the total number of curb cuts will have a beneficial impact on traffic flow on Airport Road. Providing access between the subdivision lots will also be beneficial to traffic flow along Airport Road.
5. Special concern needs to be given to the intersection of Airport Road and Taughenbaugh, and where the I-70 interchange is located. The existing and anticipated business community along Airport road, the hospital, as well as the future Garfield County Airport PUD development should be included in an analysis of peak hour turning movements. Garfield County, Rifle Retail Ventures, as well as all the other properties in the vicinity stand to make substantial impacts to this intersection. A traffic study and planned road improvements are necessities. Furthermore, Garfield County is in the process of taking action to extend Taughenbaugh northerly to County Road 320. The short stacking distance on Taughenbaugh (turning left onto Airport Road) to the development could significantly impede traffic flow on nearby County Roads, and could significantly impact delivery of Garfield County services planned in the area.
6. The development proposal ought to be referred to the Lower Valley Trail Group for review and comments, as a courtesy.
7. The design variance application is a request to waive installation of a sidewalk along Airport Road and is supported by the applicant with references about trail access along the I-70 corridor. However, little information has been given to how pedestrian circulation between the retail businesses, motel, restaurants, and light industrial businesses will be accomplished. Staff is of the opinion that the trail along I-70 and the

sidewalks along Airport Road serve entirely different circulation and safety needs, and that both are necessary. Especially given the fact that a motel may be located in this development, it is important to provide movement both to other nearby businesses, and to the regional recreational trail, which in turn may feed businesses in the downtown area of Rifle.

8. An aviation easement will be necessary. The maximum height allowed in the CS zone district is not known. If said height exceeds 35', staff at the Garfield County Airport will likely have additional serious concerns.
9. No transit accommodation has been made. Since the RTA is planning to provide bus service to the Colorado River corridor, this would seem a prime opportunity to provide a bus stop with a shelter at a minimum, and possibly a park and ride facility. The park and ride spaces would be primarily occupied Monday through Friday, providing for overflow parking during busy weekend shopping hours.
10. As this property, proceeds through the land use process, and detailed site plans are prepared, the County would appreciate continuing involvement and opportunity to comment. The County has a keen interest in any intersection or traffic studies generated and detailed engineering or road designs. Kit included the letter from Ken Maenpa – Airport Manager recently left the County – submitted a letter of disagreement

CR 346 – and Airport Road

Ron Liston was present and provided clarifications and input.

Last year when improvements were done - \$40,000 of our money for our portion – recommended they City's Energy Improvement Grant – Larry pointed out on the map – all was to be annexed. Larry thought it all had been annexed.

The City prohibited Snyder to haul because it was a City street – had to call them and tell them they were load restrictions and were putting a huge impact on our County Roads.

This would alleviate many of his concerns on road impacts.

This area has been marketed as an industrial area – this street should not bear a weight restriction – they should be 3-1000 – the same load restrictions as the County Roads, otherwise there is a huge impact on County Roads when they have to go around.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize Kit Lyon to prepare a letter for the Chair's signature to send including the discussed items today, to the City of Rifle Planning with the aforementioned comments both with Rifle Retail as well as the Sills for Airport Commercial Plaza and Storage; motion carried.

REQUEST FOR COMMENT – ARABIAN HEIGHTS – PRELIMINARY PLAN APPLICATION REFERRAL FROM THE CITY OF RIFLE. APPLICANT: SAVAGE LIMITED PARTNERSHIP

Don DeFord, Kit Lyon and John Savage were present.

Kit submitted a memorandum to the Commissioners advising them that staff was in receipt of a copy of the Arabian Heights North Preliminary Plan Application referred from the City of Rifle on January 22, 2002 with a request for comment. According to the IGA signed by the County and City of Rifle, this application falls under the definition of a "major development application" and must be referred to the County immediately upon receipt, prior to even being deemed complete. There is a twenty-one day review period with comments to be received by the City for consideration as the subject property continues through the land use review and approval process.

1. The City of Rifle Planning staff (Davis Farrar) has prepared a comprehensive report regarding the development. County staff has not identified any additional issues or concerns, and suggests the final plat referral requirement be waived.

Kit said she did not submit a list of comments, as there were no real concerns. Her discussion with John Savage is the traffic pattern down 16th Street.

Commissioner McCown mentioned that you cannot control the way people will come out of a subdivision. Whatever comes our way we will have to address it?

Kit explained that she would put the following comments in the letter:

Tremendous impacts are expected to County Road 233 in an easterly direction to Hwy. 6 & 24 while 16th Street will alleviate some of the traffic; a significant amount of the eastbound traffic will go out along CR 233 and use that as opposed to 16th Street. the City should be aware that there are no plans to immediately improve CR 233 as far as curves, hills, narrowness, etc. are concerned, however an overlay will be placed in the near future. Furthermore, we have no known deeded right of way in the area that is descriptive use. The Commissioners requested all three letters be place on the Consent Agenda.

Kit pointed out that the IGA does require referral at final plat. It specifically eliminates that; so preliminary plan is the opportunity.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize Kit Lyon to write a letter for the Chair's signature to be sent to Rifle regarding the Arabian Heights, Preliminary Plan Application referral from the City of Rifle, applicant Savage Limited Partnership. Motion carried.

REQUEST FOR COMMENT – GEOLOGICAL HAZARDS REGULATIONS – FURTHER CONSIDERATION

Don DeFord, and Randy Russell were present. Exhibit A – Geologic Hazard Areas – was presented to the County Commissioners. This includes Section 5.11 to the Garfield County Subdivision Regulations.

The purpose of the addition of Section 5.11 Geological Hazard Area is to insure that all developments affected by one or more geologic hazards are engineered, developed and utilized in a manner that will minimize significant hazards to public health and safety and to property.

Randy mentioned that Kim Schlagel had volunteered to provide a friendly form and in doing so, she mentioned finding a fatal flaw which if seen as a big problem – we do not have mapping for avalanches in the geological hazards regulations. Randy added that they do not have mapping for avalanches for radiation. So the argument they were making to the Board about only impacting a small percentage of the building permits would now impact 100% of the building permits. Therefore, they are here today asking for the Commissioners advice.

Discussion was held with respect to radiation, radon and Don was asked as to how to deal with this new situation.

Direction to Staff

Don said that specific regulations were not adopted as part of the 1041 and therefore we will need to open this up through the public process to amend. It will need to be published and advertised.

The Commissioners suggested using the language from the State Statute when it is brought back as a public hearing.

Valley View Hospital Expansion

Kim Schlagel brought to the Board's attention that Valley View wants to expand their hospital and they are asking for rezoning. This falls under major review; they want to vacate 19th Street. They have requested information and comments be made available to the City of Glenwood Springs by February 8. This only gives us a week to do this review.

The Board referenced that 19th street is County property.

Kim was asked to remind them there is a 21 days period given for comments and we are the property owner and should have been notified as well.

Standardized Plat Language in the Subdivision Regulations

Don stated that in this, there is a requirement that we make the attorney certify that all of the public improvements are free and clear of any liens or encumbrances. Don has a request from Mr. Emerson and now also from Mr. Hamilton that we modify that language so they can render opinions based upon the title insurance and exceptions to title they receive as part of that process. Right now, honestly it makes the attorney completely responsible for certifying that they are free of encumbrances and they are both accurate in pointing out that in this day and age attorneys to not abstract. They do not do the title reviews; they are totally depending upon title insurance. So they want to be able to limit their opinions to the extent that they have reviewed the title insurance. Don told Mr. Emerson he would bring this matter in front of the Board. He has a final plat coming up; he wants the County to accept language that would be somewhat different from this and would limit his obligation only to the title insurance. This would be somewhat difficult for Don because he knows they are limiting their responsibility to the County in doing this. The other side of it is that he knows they are not going to go out and do the title work themselves. Attorneys only do this on major projects. In any event, it is unlikely we would pursue either the title insurance company or the attorneys if we have an issue on this.

Chairman Martin felt the County should keep the attorneys on the hook. Attorney Neiley was used as an example with respect to the Prehm Ranch situation. He referenced the title company had done the search and therefore it was not his fault, it was the title company's fault. Other attorneys are seeking to do the same thing.

Don – it's a question as to who the Commissioners want to hold to the representation the Title Insurance Companies or the Attorneys. Many years ago we did make it the responsibility of Title Insurance Companies but then they eventually refused to sign off on the plats and so our only other recourse was to hold the Attorneys liable. Now what we have is the Attorneys saying, they want to put the Title Insurance Companies back on.

Commissioner McCown asked what if they refused to sign off on the plat.

Don – then the County is going to have to take its own action in terms of how we protect the interest in the public improvement.

Commissioner McCown suggested then the County can refuse to the position to not sign the final plat, or to become a beneficiary on the insurance.

Don – then what we could do is to require the developer to purchase title insurance for the County's benefit. We can do that.

This leaves them with three options.

Don – This could be the option that we want is to become the beneficiary of the title insurance on those improvements, and then we have direct recourse. I am hearing

Pitkin County – Luncheon Meeting March 18, 2002 was moved to March 25, 2002

Employee Recognition – August 22, 2002

Picnic ideas were discussed with a time from 3:00 to 5:00 PM; to have entertainment, and combine the budgets for the Employee Recognition and Winter Holiday Event to just the one event – a picnic in the summer.

Barbeque Chuck Wagon Style was suggested and included: a poet, pony rides in the park, still do hamburgers and hot dogs – the commissioners like to cook. Cost for entertainment was discussed \$600 – \$750. Rob Hykys Group and Nancy Mueller's Husband does Disco.

Commissioner McCown said he did not see any reason for having music; the need for it seems unnecessary. Rather to have challenge base ball games, the dunk tank and horse shoe pits.

ADJOURN

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

Attest:

Chairman of the Board

FEBRUARY 6, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Workshop of the Board of County Commissioners and the Planning Commission began at 6:30 P.M. on Wednesday, February 6, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, County Attorney Don DeFord, Assistant County Carolyn Dahlgren, Building & Planning Director Mark Bean, County Engineer Randy Withee, Planners Kit Lyon and Kim Schlagel, and Mildred Alsdorf Clerk & Recorder.

Others present from the Planning Commission included: Phil Vaughn, Mike Deer, Cheryl Chandler, Mike Silva and Ray Schmahl.

The Planning Departments Goals and Objectives for the year of 2002 were submitted and discussed. The primary goals for 2002 include work efforts and tasks driven by funding requirements and commitments that need to be the highest priority. Staff submitted the outline for the 2002 Goals and Objectives.

The Planning Department requested that the Board of County Commissioner rank the goals/issue with the level of importance. The following was determined:

1. Finalize Study Area 1
2. Update Comprehensive Plan overall document
3. Revise Study Area I
4. Catalogue Zoning and Subdivision Regulation problems
5. Develop a County Transportation Plan

Other goal/issues included: Moving the Office into the Courthouse Plaza, become a paperless office; provide visual presentations for applications via Community Viz, ArcView, etc., I-70 Corridor analysis, Telecommunications Study, Become a more user-friendly information center, Waste management study, Grant writing/Partnership building and Planning Commission and Board of County Commissioner Training consisting of Conferences, Workshops, and Guest Speakers.

The Workshop ended at 9:00 P.M.

Attest:

Chairman of the Board

FEBRUARY 11, 2002
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 11, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

Valley View Hospital – Expansion and Remodeling Plan - Phases

Mike displayed the architect drawings for the three floors depicting new buildings and remodeling of space on all three floors of the existing Valley View Hospital. The County had been overlooked in this process and the County reminded the hospital that the County owned the land where the hospital exists and should therefore had been informed at an earlier stage. Mike explained that Valley View would be before the City of Glenwood Springs Planning and Zoning to review the plan. Mike explained the future plans for expansion mentioning the proposal to include the closing of 19th Street, which would be necessary to go to a vote of the people. Plans included renovation of the three floors with the addition onto all three floors – with plans to accomplish this in 7 – 8 phases.

The hospital purchase of the two homes east of the existing hospital will be used for parking. It also includes extending Palmer in order to have a loop around the hospital for fire and emergency access. These will not be public streets. The City may allow the closing of Palmer to 21st street.

Commissioner Stowe reminded Mike that some consideration in rent arrangement of a 50% to 75% rent adjustment would be necessary to discuss before consideration would be given for the option of closing 19th Street. Currently there is no adjustment and Healthy Beginnings will be paying the same square foot allowance.

Chairman Martin mentioned there is a 100-year lease. Currently the land is in the 5th year of that lease, however, any changes will alter the lease arrangement and new negotiations would be necessary.

Ed said they have discussed in the last several months where the hospital needs part of the Mountain View space in their last phase. The prospect of the hospital acquiring the Mountain View Building for this phase has not been determined.

Mike said they are not in a financial position to step up, purchase the building or complete negotiations for the same at this point, and time. Ed said this has been discussed as a possible building that would be condominized for employees.

Chairman Martin mentioned there is a 99 year lease and this could be re-negotiated when there is an adjustment on the land to utilize it for the addition.

Mike said at this point they are trying to address the needs of the County.

Chairman Martin - Planner Kim Sleagel has been given an application to go to the City on the request of Valley View Hospital and we need to review that to see exactly Phase I, what's being requested, sit down with the hospital board, renegotiate and go from there.

Commissioner Stowe made a motion and Commissioner McCown seconded to authorize Don DeFord to ask the County Surveyor to verify the legal description on the existing lease so we know for sure what property is subject on the lease.

Amended Motion

Commissioner McCown and to include what is proposed as far as the vacation. Will the survey also include what is proposed in the future vacation of the Palmer Avenue and 19th Street? Would it be prudent at this time to get that as well?

Don stated it was not part of his original request, but it can be.

Commissioner Stowe amended his motion. Commissioner McCown seconded.

Mike requested the time frame for doing this – they have a major review application with the City and are scheduled for the 26th of February P&Z Meeting which apparently at this time, we are not going to be able to make that.

Don – if the Board is actually directing that we negotiate additional lease terms and come back to the Board, then the first meeting March 4 is an objective, but if we can't reach that and it usually is 30 days for the Surveyor, then later in March.

Larry Duper – appreciates what the County has done for the hospital. Question – would it be possible to get a signature to go to the City on their plan – the hospital would commit to work with the County.

Commissioner Stowe –it is up to Don if he can get an agreement.

Don – once the public discussion is complete, and then the staff needs to have an Executive Session to discuss specific terms and get direction on the negotiation.

Terms of the Lease

Mike mentioned if the lease stayed similar to what it was, it would not be an issue, but if the lease became a two-lease then the financing entity would have a concern.

Don said in terms of timing, if the hospital staff is available, attorneys if needed, we could get an initial feedback toward the end of this week and come back to the Board next Tuesday at the meeting.

Mike – would like to meet with the City on the 26th.

Motion carried.

COUNTY MANAGER UPDATE – ED GREEN

- ***Issuance of License for New Castle Ambulance – Dale Hancock***

Dale Hancock said the requirements have been met and a temporary license was issued.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the license for the New Castle Ambulance as presented; motion carried.

- ***Professional Services Contract Airport Management – Kenny Maenpa***

Dale explained this has been satisfied and requested that the Chair to be authorized to sign the contract for services upon all the legal issues being resolved and financial issues being resolved in a not to exceed amount of \$1000 payable at \$75.00 per hour which includes expenses, he has his own insurance. Ed Green and Dale are going to go through the Resumes this afternoon and have a short list and set the interviews forthwith.

Carolyn stated upon the approval, Kenny will be doing management only responsibility as outlined in the letter, which is an exhibit. This would be for personal services only and he cannot hire anyone else to do it. Commissioner McCown mentioned that he could not support this request. You will not get a motion or a second from this Board member. We are being asked to pay an individual and create a position and I would adamantly oppose. The need for this was created by Kenny's absence and he will not backfill that position. Discussion

Dale Hancock said the daily operations were covered by a part-time employee that was approved at the budget hearing, so the basics of planes taking off and coming in and fueling operations and snow removal – maintenance will be done. Otherwise this responsibility would fall to Dale to do that.

Ed said we need to work with the State on some critical issues related to the \$750,000 grant that the Federal Aviation may provide us for the \$16 million taxiway improvement.

Dale mentioned this is the way he would see Kenny's time being spent.

Commissioner Stowe commented that he agreed with Larry in the fact of not offering an employee who quit the County additional work; however he does not want to miss this critical window of opportunity we have by not having the right people to negotiate.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down to approve this Contract not to exceed \$10,000 for the sole purpose of Kenny Maenpa to be involved in any negotiations we have with the FAA in the proposed expansion of the Airport and the State. Commissioner Stowe clarified that this relates to our future ability to get or receive grants.

Dale mentioned the scope of the contract includes the administration minutia, the detail of processing payments and other issues. About one-half of the identified functions that are pertinent to the FAA and its application, but the other parts have to do with leases for tenants on the Airport, for land use referrals, prepare the continuation with the design on the terminal and then the transition of the new Airport Manager.

Dale commented that he will be working additional time at the Airport.

Carolyn Dahlgren clarified the items to be included in the contract – 1, 2, 3, 4, and 8.

Commissioner Stowe said at some future point, if we decide to hire Kenny for a little bit to bring the new airport manager up-to-date, we will take that up at a future meeting. These conditions were from a letter to Dale Hancock from Kenny dated 1/25/02.

Carolyn will amend the contract.

Commissioner Stowe stated the motion stands.

Martin – aye; Stowe – aye; McCown – nay.

COUNTY ATTORNEY UPDATE – DON DEFORD -

- Executive Session – Valley View Negotiations Existing Contracts, Lease Arrangement and one Personnel Issue

The Board, Don DeFord, Ed Green, Jesse Smith, and Mildred Alsdorf were to remain for the Valley View Negotiations; Dale Hancock and Judy Osman for the personnel issue.

Direction on existing contracts, negotiation, lease arrangement with hospital and one personnel issue. Commissioner McCown moved to go into Executive Session. Commissioner Stowe seconded; motion carried.

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

Leases

Don requested a motion authorizing the Chair to sign letters to the operators of the Sunnyside Facility, Glenwood Springs Chamber of Commerce, and advise them they are the current lease and sublease arrangement with the County and advising them of the terms and conditions in those arrangements. Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – 7 PM Tuesday – Official Meeting of the Board of County Commissioners at the North hall of the Rifle Fairgrounds. Human Service Commission – Wed. at 9 AM, Video Conferencing at CMC; Upper Valley Government Meetings same morning at 8 AM in Carbondale; Thursday – Reudi Water and Power Authority 5 – 6:30 PM at the Basalt Town Hall; COVA annual dinner in Grand Junction on Friday.

Commissioner McCown – Meeting with the Service Group – 10 AM at the Activity Center in Battlement Mesa on Tuesday; Thursday Northwest Oil and Gas is meeting at Rifle City Hall – 10 AM – 2 PM.

Chairman Martin – **Mamms View** – E-mails and letters he received and then he received a staff report saying that Mamms View had requested to remove their application on change of terms of condition, etc. Don said this was received by their attorney and it is official, they have withdrawn application for any changes. Our understanding is that they will allow the one year to pass on their preliminary plan without submitting a final plat which means that will expire and they will come back with an entirely new plan to the Board.

Chairman Martin – they could have come now and just vacated what approval was there now, yet they chose not to do it this way. And through investigation is that simply because of the conditions that cannot be met or was it an error by the County?

Don – it's a combination of both – our view primarily that it was a result of the engineering study that was done by Michael Erion and the additional conditions they had to meet that he set forth in his report particularly the two major issues he brought to light were the drainage issues that have not fully addressed at their final plat or preliminary plan submittal and then the question of the road is a significant issue – they were not able to resolve the right of way they were required to get as part of their preliminary plan approval.

Chairman Martin clarified that those folks who contacted him in reference to their contracts to reserve purchase of lots when they call, they will have to deal with the developer and not the County because they directed all their concern to the County for holding up the development. He wanted to make sure the public is aware that they need to direct it in the proper manner.

Legislative meetings and some of the items we are looking at are the prairie dogs laws that has died; the new office of Terrorism and Preparedness – this ACT was given to Guy Meyers to review – we need to go ahead and make some kind of comment requested by CCI on how we feel about creating a new position for the State Government. Brought up the fact that we have Emergency Preparedness through the State at the present and why are we creating a new page. Another issue in Oil and Gas reference the surface owners negotiating with the surface damages – a bill that died in committee on February 7. Also a Bill that has been passed onto the Finance Committee for approval of a 9-2 vote was the transportation funding which deals with Highway Users Tax Fund. That may adjust in what we receive in Highway User Fees. A lot of discussion about new funding sources and allocation sources on Health and Human Services which deals with MA sites, Medicaid sites – how they are assigned and what money goes where; also the reallocation of TANF funds – the MOE in reference to one-stop shopping is under attack; extension of the sales tax which deals directly with Carbondale and that's up for debate to allow them to go ahead and extend their period of time which again violates the cap of 6.9% sales tax limit which is very damaging if that's not done to Carbondale. The big Bill 1212, which deals with United Airlines in how they reduce the overall tax for fuel – that goes from 2.9%, which affects our airport down to 1.45%, which is a drastic reduction in fuel-tax for aviation. SB 129 – land use Bill discussed at the P & Z meeting, this is going through with a lot of support

which may die down the party lines and that is to tie the Master Plan to the rules and regulations by requirement within two years.

Commissioner McCown – the JBC is out to raid the mineral tax money. Associated Government is taking the stance that whatever they take, they pay back.

Chairman Martin – Rural Resort – the Northwest COG has requested that Garfield County join them and this needs to be discussed with Rural Resort.

Commissioner Stowe – we are already an associated government and not too enthused unless they give us some real rationale reasons we should join.

Chairman Martin – C-DOT meeting in reference to our interaction with C-DOT Tuesday with our engineers, engineers and planning department at 10 AM at C-DOT Headquarters. Mayor's Meeting at 8 on Wednesday. The Department of Social Services having a gathering in New Castle at the Community Center 11:30 – 1:30 also on Wednesday.

Don – on the Mayor's Meeting – whoever is there, would you remind them to take to their staff regarding our IGA on planning referrals? There seems to be a real lack of understanding among staff on that issue.

Chairman Martin – a meeting on Tuesday, Feb. 19 at 7:00 PM which is called the Board of County Commissioners and we also have the Downtown Development Authority which is also meeting at 8 AM at the Hotel Colorado – it is a round table discussion – one that we requested to have a workshop and we need someone to go to that. This deals with the taxing entity ability to take mill levy growth above and beyond the baseline and divert it to the Improvement District.

Jesse was asked to attend and to RSVP by the 15th.

Ed said we need to have discussions with Bob Howard on land as it relates to the Airport Road project. And the final thing, we are going to be in to review the Road and Bridge Facility Design Built across from the Airport – Thursday, Henry Building 8:00 A.M.

Carolyn Dahlgren was also asked to attend the Airport Road project.

Chairman Martin – hear the change of language on Deep Creek – Scott McInnis was going to call the Board today.

Re-Districting – Garfield County

Commissioner McCown – the most recent redistricting/reapportionment severance of Garfield County being the only Rural County that has become chopped up, if there anything needing to be done or anything we can do at this point, Senator Teck getting Battlement Mesa, do we know for sure if that's severed at the River, is it severed at the Interstate.

Mildred Alsdorf reported she had received a letter faxed this morning from the Reapportionment Commission saying they had hoped to do the maps this weekend and get everything going. So far there is not anything giving us good information.

Commissioner McCown – Don it sounds like it a line from DeBeque right up the Interstate or the River and taking in Battlement Mesa and then South to the Mesa County line.

Chairman Martin understands that both parties have filed an objection to the final ruling by the Judge.

Executive Session – Downtown Development Authority

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the DDA; motion carried.

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

CONSENT AGENDA

- a. Approve Bills

Discussion on Bills:

Commissioner McCown asked Jesse to pull some bills submitted by Social Services, one for \$800 plus for travel, \$500 in home office expense both for the same individual; and another batch of checks that individual had another \$180 plus in travel and another \$100 in home office expense.

Jesse explained the first check, the \$800 plus in travel was all mileage accumulated from August 22 – December 31, 2001. Apparently this individual covers areas like Frisco, Granby, Winter Park, Friendly, so she does a lot of traveling through the middle park area and it included September, October, November, December and office rental four months; the second check was for January 1 – 30 because Jesse told them they have to start submitting monthly bills and they cannot save them up and dump them at the last minute of the year. The January bill was for mileage and one month home-office.

Commissioner McCown –am I correct in assuming that all of these home office expenses are going away once the Courthouse Plaza is completed.

Jesse – not all of them. We'll have to set a policy and that would probably be something along the lines of if they are within reasonable commuting distance of the Courthouse Plaza they will be expected to office there but people who live in Meeker and works north and west, that person would continue to have a home-office. This is based on the fact that we cover nine counties in some social service contracts – Single Entry Point.

There is another person who has an office in Steamboat Springs.

Commissioner McCown inquired if these employees are housed in other entities serving at the pleasure of Garfield County, is that working? He mentioned not being sure of how closely supervised in Meeker and Steamboat Springs.

Jesse mentioned there is some discussion going on right now that we might hand the Single Entry Point Program off to a different County and cease doing it.

Commissioner McCown The other bill question is the \$2518.19 for the monthly cell phone for that same department.

Jesse said there are 33 phones but still is a large bill.

Commissioner McCown based on the programs available now the number of minutes you can get for \$50.00.

Jesse said they have Verizon review all those bills and see if there is a better plan for us to be on and Lisa is following up on that.

Ed Green said his bill was \$16.00 last month.

Commissioner McCown – if we have to pull these back in and reallocate as we feel they need to be, we can do that. This is totally unreasonable.

Don – on the home-offices and some of the other personnel issues that will take effect when we move into Courthouse Plaza, is there a schedule to get some changes done to the personnel code?

Jesse – there's a subcommittee that has been appointed to look at the whole area of home-office with respect to the policies and there is also a committee that is being set up to coordinate the move into Courthouse Plaza.

Don commented the policy changes need to be coordinated along with the move.

- b. Sign Comment Letter on Rifle Retail Ventures, LLC, Referral from the City of Rifle
- c. Sign Comment Letter on Arabian Heights Preliminary Plan Referral from the City of Rifle
- d. Sign Comment Letter on Sills Annexation and Airport Commercial Park Rezone and Preliminary Plan
- e. Sign an Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement – Sunlight View II Subdivision
- f. Sign a Declaration for Master Deed Restriction and Agreement Concerning the Sale, Occupancy and Resale of Property Located in Garfield County, Colorado for Sunlight View II Land Corporation

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - f; carried.

Executive Session – Discussion – Downtown Development TIF

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.

Telephone Conference - DEEP CREEK Wilderness Area - Congressman Scott McInnis' Office

Honorable Scott McInnis requested the Commissioner hear the updates.

A call was received from Scott McInnis' office, speakers Melissa Sinton and Christopher Hatcher; and Tom Stone from Eagle on conference call.

Discussion was held on Deep Creek, the changes and how the map follows the Canyon Rim with 7,000 acres included.

Representatives in Washington on behalf of Scott McInnis reviewed the draft with the Board of Commissioners. The Board provided some concerns that they noticed in the draft.

Melissa reviewed the changes to the Bill with the Commissioners

- Boundaries – Trapper’s Lake; Water – go with the water language in the wilderness areas; Motorized Vehicle Use – under the Wilderness Act – essentially removed except for emergency use; Ariel navigation; review and representations yearly; environmental issues; page 14, line 18 – changed – in-stream flow - no copy of the Bill in front of him – this doesn’t get into the concern voiced by Chairman Martin.

Canyon Rim of the softer slope – a couple spots on the Northern side where there is a road, the boundary was moved below this. The canyon is the true wilderness, untouched by man, manageable and excludes private property and a couple spots at the head gate. They made a good attempt to exclude the ditches and head gates – this moved the boundary in by a little bit. Dr. Jacobson – he has been updated.

Forest Service Road is outside the boundary.

Amtrak – The Amtrak funding or non-funding was introduced. The Commissioners voiced that losing the Amtrak would be devastating to the Western Slope Economy.

Scott McInnis will get back to the Board on this issue of concern.

SOGA - \$8,000 for the Radar

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to ratify the signature of the Chair on the Division of Criminal Justice statement of grant award for \$8,000; motion carried.

REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATION: 3919 COUNTY ROAD 233, RIFLE, CO. APPLICANT TED MARTIN AND JULIE KUPER

Don DeFord, Mark Bean, Ted Martin and Julie Kuper were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibits Submitted: Exhibit A – Proof of Publication; Exhibit B – Returned Receipts; Exhibit C – Application; Exhibit D – Project Information and Staff Report; and Exhibit E – Garfield County Zoning of 1978 as amended.

Chairman Martin entered Exhibits A - D into the record.

INFORMATION BY STAFF

This is a request for approval of a Special Use Permit to allow for an Accessory Dwelling Unit located generally northwest of Silt off Silt Mesa Road on approximately 4.10 tract of land. The applicants have an existing house on the property and they are proposing to place a 1040 sq. ft. manufactured home on the property to be used as an accessory dwelling. Section 5.03 Conditional and Special Uses – were used to do a staff review. Mark continued to review the relationship to the Comprehensive Plan, the Zoning Resolution for A/RD - the Section for Accessory Dwelling Unit, Suggested Findings, and Recommendation:

Staff recommends Approval of the Special Use Permit, with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. All requirements of Section 5.03.21 of the Garfield County Zoning Resolution will be complied with by the applicant. Including the requirements that only leasehold interests will be allowed for the accessory dwelling.
3. All of the proposed construction will have to meet the Garfield County Building Code requirements for the type of construction.
4. A new ISDS permit will be obtained as a part of the building permit process for accessory dwelling.
5. Prior to the issuance of the Special Use Permit, the water quality will be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids and the documentation will be provided to the Planning Department;
6. Prior to the issuance of the Special Use Permit, the applicants will install a 1000-gallon water storage tank that is connected to the domestic water supply for the houses.
7. All conditions of approval must be met within one year of the date of approval of the application. If conditions are not met within one year, the approval will be void.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit for Ted Martin and Julie Kuper with the seven conditions made by staff. Motion carried.

REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT TO CONSTRUCT A TWO-STORY STRUCTURE, BARN AT GROUND LEVEL, CARETAKERS UNIT UPPER LEVEL. LOCATION: 4480 COUNTY ROAD 100, CARBONDALE, CO. APPLICANT: PETER AND EILEEN GILBERT

Don DeFord and Rodney McGowan for the applicant were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibits Submitted: Exhibit A – Proof of Publication; Exhibit B – Returned Receipts; Exhibit C – Application; Exhibit D – Project Information and Staff Report; Exhibit E – Garfield County Zoning Resolution of 1978 as amended; and Exhibit F – Garfield County Comprehensive Plan of 1984 as amended. Chairman Martin entered Exhibits A - F into the record.

INFORMATION BY STAFF

This is a request for approval of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district on a 35.8 tract of land located on County Road 100. The applicants are proposing to construct an 836 sq. ft. accessory dwelling above a 968 sq. ft. detached barn with the intent of this unit to be used by a caretaker to serve the larger needs of the property.

Staff recommends Approval, with the following conditions:

1. All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval;
2. The applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
3. That all State and Local health standards be complied with; The applicant shall acquire the appropriate septic permit as part of the building permit process.
4. This approval shall be valid until 2/11/03. If the applicant fails to meet these conditions by 2/11/03, and subsequently the special use permit is never issued, the approval shall automatically expire, unless the Board of County Commissioners grants an extension.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Special Use Permit for Peter and Eileen Gilbert with the four conditions of staff; motion carried.

REQUEST FOR APPROVAL TO AMEND PLAT TO CHANGE LOCATION OF ROAD EASEMENT. LOCATION: LOT 8, COTTONWOOD HOLLOW SUBDIVISION. APPLICANT: MARC AND ERIN BASSETT

Kim Schlagel, Don DeFord, Marc and Erin Bassett were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

EXHIBITS SUBMITTED: Exhibit A – Green and White Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Staff Report and Project Information; Exhibit D – Application and attachments; and Exhibit E – Garfield County Subdivision Regulations.

Chairman Martin entered Exhibits A - E into the record.

INFORMATION BY STAFF

This is a request for approval to amend the Plat for Lot 8 of the Cottonwood Hollow Subdivision. The parcel is located on approximately five (5) acres. The owners of the parcel would like to move the location of a thirty-foot (30') access and utility easement approximately seventy-five-feet (75') to the south of their property to be adjacent with the property line. The current easement runs through the middle one an existing pasture to the adjoining lot. Moving the easement to the south would provide a better alignment to obtain the most beneficial use of the property, and does not hinder access to the neighboring lot owner to their property.

The Cottonwood Hollow Subdivision Architectural Committee has approved the request to relocate the access easement to the location suggested by the applicants. Based on these findings, Staff recommends the Board of County Commissioners grant approval of this request.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to amend the plat to change location of the road easement on Lot 8 at the Cottonwood Hollow Subdivision. Motion carried.

REQUEST FOR APPROVAL FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A BED AND BREAKFAST ESTABLISHMENT IN THE ARRD ZONE DISTRICT. APPLICANT: GRETCHEN AND STANISLAW WROBLEWSKI

Don DeFord and Stanislaw Wroblewski were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

EXHIBITS SUBMITTED Exhibit A – Green and White Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Application and materials; Exhibit D – Staff Report and Project Information; Exhibit E – Garfield County Zoning Resolution of 1978 as amended; and Exhibit F – Garfield County Comprehensive Plan

Chairman Martin entered Exhibits A - F into the record.

INFORMATION BY STAFF

This is a request for approval of a Conditional Use Permit to allow for a bed and breakfast establishment in the ARRD Zone District. The applicants are proposing to use a portion of their existing home for a bed and breakfast business, which would offer up to three (3) separate room set-ups for lodging.

Recommendation:

Staff recommends Approval, with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
3. All parking needs resulting from the bed and breakfast use shall remain on the property; 4351 County Road 115.
4. Any expansion of this use shall require an amendment of the Conditional Use Permit.
5. That water quality shall be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Conditional Use Permit to allow for a bed and breakfast in the ARRD Zone District for Gretchen and Stanislaw Wroblewski with the five conditions recommended by staff; motion carried.

EXECUTIVE SESSION – CONTINUED

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an executive session to continue discussing issues as previously announced; motion carried.

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

RECESS

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

Attest:

Chairman of the Board

FEBRUARY 12, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners and the Garfield County Fair Board began at 7:00 P.M. on Tuesday, February 12, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, County Attorney Don DeFord, County Comptroller Lois Hybarger, and Mildred Alsdorf Clerk & Recorder.

Members present from the Fair Board: Dave Mangold, Laurie Murdock, Leon Hanhardt, Ed Elder, Perry Will, Robert Flohr, Deanne Conn, Keisha Sheets, Patty Scarrow, Smokey Vines, Kevin Runia and Kathy Runia. Ex-officio members present: Fred Fenner, Nori Pearce and Dale Hancock.

Discussion of the membership on the Fair Board indicated there are fourteen (14) active members not including the ex-officio members. Six (6) of the members are inactive at the present time.

2002 FAIR

The treasurer's report was presented showing a balance of \$70,922.02 from all accounts.

Lois Hybarger provided information that would be helpful for accounting functions with the primary focus on the upcoming Fair in August. She recommended the Fair Board and the Commissioners, at the request of the County's auditors; establish a separate Garfield County Fair Fund. This fund would incorporate all existing bank accounts and certificates of deposit currently held by the Fair Board into one financial entity with the County. The budgetary implications of this would simply be one single transaction allowing the Fair Board to adjust their revenue and expenditures to have access to the funds collected and earned. She added that with the disparity of authority within the Extension Office (Colorado State University versus Garfield County Government), we would be able to offer a more thorough and accurate itemization of income and expenditures for the County Fair. Lois mentioned that the County controls the dollars, and the Fair Board has to have approval by the Commissioners and Fair Board before they can use the funds.

The Commissioners voiced interest in improving the accountability and having available financial statements each month. Changes that need to be made in the By-Laws could be ratified by telephone.

Don DeFord provided information as part of the budget process including having the Fair Board funds in a CD with a possible maturity of April 10.

Security – Dale advised the Board that he had completed the specifications for the Request for Proposal and it was forwarded to the County Contract Administrator, Tim Arnett for distribution. The response date is by May 2, 2002. Toni will do some preliminary inquiries with firms in the area to establish an estimated budget figure. General discussion followed on the value of security for the Fair. It was the consensus of the Board that a security force of approximately twelve with four ticket takers would be sufficient. Other means of security were discussed including having volunteer or civic organizations assume the responsibility.

Sponsor and Vendor Packets – Laurie distributed the proposed series of sponsorship levels for the 2002 Fair.

Fair Schedule of Events and Budget – The Junior Rodeo will be held on Thursday evening; Friday evening there will be mutton busting and the CPPA rodeo. Those in attendance favored having a concert Saturday night.

Fair Book – 4-H and FFA will produce the fair book and sell the necessary advertising to cover the cost of printing.

Royalty – Keshia Sheets is preparing a budget for the Fair Board approval to produce a royalty contests that would consist of a Queen, Princess, and a Junior Princess.

It was determined that four (4) days was long enough for the fair.

Adjournment

Attest

Chairman of the Board of Commissioners

FEBRUARY 19, 2002
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 19, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney Carolyn Dahlgren, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Jamie Hines Brockard – Parachute – formerly invited the Board to the Air-Talk Six Program to be held on Wednesday, March 6 at 6:30 PM at the Battlement Mesa Activity Center in Parachute.

The Grand Valley Citizens Alliance has concerns regarding smells and the increase of industrial development. EPA Larry Worskensi and Larry Moore will be giving a preliminary talk about a grant program that would monitor these concerns. The grant would pick up Air Talk Six to give us a report of what is in the air now and the potential of the future.

Those invited include the Garfield County Commissioners, interested public and hopefully representatives from the Oil and Gas. There is a potential amount of money to be granted to assist in this study.

Chairman Martin mentioned the EPA is going to Colorado Springs, Pueblo to do the same type of meeting.

COUNTY MANAGER UPDATE – ED GREEN

Treasurer's Semi Annual Report & Public Trustee Report – Georgia Chamberlain

Georgia Chamberlain submitted the following reports and entertained questions from the Board:

- 1) Semi-annual Financial Statement – June 30, 2001 thru December 31, 2001 - C.R.S. 30.25.111 – the Board of County Commissioner shall have this published two times per year. Georgia also included a year-end report only for the Board for informational purposes.
Georgia also included a report dated January 1, 2001 through December 31, 2001 that was generated for the auditors – this was just for review. The reports are by law generated semi-annual and are published twice a year.
- 2) Tax Collection Report: 2000 Taxes collected in 2001
- 3) Sales Tax Collection: 2001 and 10 year report - \$5,766,922.11
- 4) Treasurers Fees - \$561,905.91
- 5) School Acquisition Fees
- 6) Public Trustee Annual Report – Total Income \$64,369,04
Taxes are 99.1% – 100% collected for 2001.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Treasurer's report and to authorize the Treasurer, Georgia Chamberlain to publish the semi-annual reports. School acquisition Fees – Georgia mentioned the Board needs to generate letters to the school districts regarding the impact fees collected. Georgia will get with Ed and Jesse to handle this matter.

Salary Adjustments – Shannon Hurst

Shannon Hurst mentioned while in the budget hearings, that she had a problem with Sean McCourt's salary. Discussion was held with the potential of developing a new position – Appraiser 6. She read into the record a brief example of the job description. This places Sean in 3rd position in the Assessor's Office.

1. Judy Osman has reviewed the job description.

Shannon submitted a job description for the Chief Appraiser.

The new salary wage survey did some injustices – she feels that the salaries are low overall. There is some injustices and wide ranges within the – six positions will drop below the 80%, forcing a catch-up unless salaries are raised to 83% of the market. She submitted the budget with actual and proposed columns including annualized costs. Shannon justified her requests and mentioned she was below budget.

Jesse Smith reviewed these salaries with Shannon and her department was the lowest salaries within the County. He felt this was a good management tool by filling vacancies within and supports Shannon re-organization. By giving up the Chief Appraiser, Commissioner McCown inquired if Shannon could keep up- with the appraisals.

Shannon, yes and requested the Board approve these salary adjustments.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Chief Appraiser position and the other promotions as submitted by Shannon in the proposed budget. Motion carried.

Printing Costs related to Subcommittees – Judy Osman

Judy Osman submitted the report and summarized the questionnaire mailed to employees to look at childcare this year; also a van car-pool committee will send out surveys as well. The cost of these was not included in the budget. Judy estimated the cost to be approximately \$700.

10,000 copies for the childcare; 12,000 copies for the van car-pool. She said this is an attempt to establish a link and form an intergovernmental childcare. She commented that Garfield County is absorbing the costs at this point and presently we do not know if there is an interest.

There has been no direct link with the Rural Resort even though they are part of the Committee – they are trying to keep these separate and bring the governmental agencies together. They are using the Rural Resort's Survey Form.

Commissioner Stowe mentioned the possibility of TANF funds to pay for the \$700 in expenses.

The entities included in the survey include the County, the 9th Judicial Courts and the City of Glenwood Springs. Eagle requested to be included as well. Carbondale has not participated with the Committees to date. Carolyn pointed out the issue of Rural Resort – part of Margaret Long and Carrie Podl salaries come out of the TANF funds. Margaret is chairing this subcommittee for Rural Resort with Carrie Podl.

The cost is \$700 for both surveys. Jesse stated these funds would have to come from the general fund.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to pay the costs for the surveys at this point, from the General Fund and add the caveat that we do explore the possibility of reimbursement from Rural Resort Region. Motion carried.

Public Utilities Notice - Notice of Intervention - Qwest – Dale Hancock

Dale reported that he had received a notice from Quest last week where they have advised the Public Utilities Commission that they had an intention to intervene or in the alternative, motion to intervene, basically saying that “since they have an economic interest in the expansion of the local calling area within all the prefixes in the County that they want to have some consideration from the Public Utilities Commissioner.” In the alternative, there is also another note he received last week, which says, “any person desiring to intervene or to participate as a party in the proceedings shall file a petition for leave or to intervene or under the Commission rules and practices file other appropriate pleadings by March 11, 2002.” Therefore, if the BOCC wants to present testimony, the need is to supply this information to the PUC.

Chairman Martin mentioned that Parachute wants to submit information. Dale commented that all towns that participated have received the same notice. Chairman Martin wanted to be there to give oral testimony and some of the Mayors as well.

Dale said he would draft a letter asking that the Chair be advised of any additional hearings and the Chair requests to give oral testimony. No problem from the Board to proceed with the letter.

KMGJ and KRMJ – Anvil Points, Lookout Mountain, and Sunlight Peak

Dale Hancock submitted site utilization agreement KMGJ aka as KJOY radio in Grand Junction and are situation in a repeater site on Anvil Points and they pay us \$143/month. The second agreement is with KRMJ, which is Rocky Mountain PBS, which is Channel 6 in Denver and Channel 14 in Grand Junction, and they are on Sunlight Peak, Lookout Mountain and Anvil Points and they pay us \$436/month.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the lease agreements as explained and presented by Dale; motion carried.

Western Colorado Marketing Alliance – Economic Development

Dale Hancock stated on Thursday of this week from 11:00 AM until 2:00 PM in Room 301 of the Courthouse that there will be a Board meeting of the Western Colorado Marketing Alliance. This is an initiative formed out of the Governor's Office of Economic Development about one year ago. Northwest COG does the books for the outfit and if the Board wants to attend that Board meeting will be a discussion about tag lines, logos, what the website looks like, and reactive lobbying on behalf of whatever kind of economic development initiatives are front of the State Legislature at this time.

Gravel – Gould Belly Dump Rental

Tim Arnett and Tom Russell presented.

Tom – this is a budgeted item; the costs associated with hauling the gravel from the DeBeque area over to CR 204 – Roan Creek Basin and presented the contract for the haulers to come in and do the job.

Recommended action: Award the Bid to Gould Construction for providing five (5) belly dumps with operators to haul gravel from DeBeque to the Roan Creek Basin for the not to exceed price of \$36,000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract for the sum of not to exceed \$36,000 to Gould Construction for providing the five (5) belly dumps with operator to haul gravel from DeBeque to the Roan Creek Basin. Motion carried.

Fairground Use Agreements

Ed submitted the Use of the Garfield County Fairgrounds for the year 2002 on the following:

Rile Rodeo LLC. May 1, 8, 15, 22, 29; June 5, 12, 19, 26; July 3, 17; August 14, 21, 28; September 4, 18, 25; October 2, 9, 16 and mentioned some will have concerts featuring John Anderson, David Ball and Merle Haggard. Daniel W. Bowser is the Lessee on all these Agreements. Other Agreements for Use of the Garfield County Fairgrounds for Chipeta Girl Scout Council for: February 23, 2002; March 2, 9, 16 and 30, 2002; and April 6, 2002.

The Rifle Rodeo will be charged as commercial that includes a total of (\$8,400 + 5% gate.)

Ed mentioned these uses are charged as commercial – 5% at the gate fee.

Commissioner McCown mentioned he did not have a problem with so many dates being reserved; the Fairgrounds rentals have always been on a first come, first serve basis.

Allocation of Funds from Contingency

Dale Hancock and Ed Green presented the request for movement of dollars to the Airport Fund from general funds contingency for a total of \$25,000. This is for the seal coating. When the FAA refunds the County, the money will be reimbursed to general fund contingency.

The Board directed Jesse to include this as part of the supplement budget at next meeting.

A motion was made by Commissioner Stowe to write a memo to Georgia Chamberlain instructing her to expend \$25,000 from General Fund to Airport Fund for the seal coating procedures such money to be reimbursed when available from Colorado Division of Aeronautics and the chair be authorized to sign. Commissioner McCown seconded; motion carried.

Appointment of Three Board Members to the Planning and Zoning

Mark Bean submitted the Planning & Zoning Commission member list. Notices have gone out for the vacancy positions. Michelle Foster, Phillip Vaughan and Cheryl Chandler have requested to be re-appointed.

Commissioner McCown made a motion to reappoint Michelle Foster, Phillip Vaughan and Cheryl Chandler to the Planning and Zoning Commission. Commissioner Stowe seconded; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Approval of Resolution Amending Resolution No. 01-66 Vacating a Public Road Right of Way in the Vicinity of Callicote Ranch and County Road 103

Don DeFord submitted the Resolution amending existing Resolution no. 01-66. The purpose is to make it clear that we are not vacating any existing easements or utility placements in the right of way. This is being done at the specific request of the attorney for the Callicote Ranch and requested a motion to authorize the Chair to sign the Resolution.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

Approval of 2002 IGA for the Provision of Administrative Services in Connection with the Garfield County Affordable Housing Program

Don received the IGA from the Housing Authority executed and ready to go and requested the Chair to be authorized to sign this Agreement. There were no changes in the form of the agreement.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

Consideration and Authorization of Oil and Gas Lease – Williams Productions RMT Colorado

Don – This is a standard form lease with Williams Energy for roads and rights of way in Garfield County. The lease actually has a legal description for the subject right of way; their property folks actually did the title work and determined that this is a road that the County owns by deed and the County may have a good claim to the minerals on this property. They made the necessary changes to the form of the easement, taking out the provision of warranting title and adding a provision in the amendment that prohibits them from using the surface for exploration purposes. With those changes, Don asked that the Chair be authorized to sign this lease with Williams Energy.

Commissioner McCown so moved; Commissioner Stowe seconded.

Chairman Martin mentioned the one sentence concerns him that has been in dispute over the years and there is still controversy about the language, etc. He asked Don if he felt this has been adequately discussed and researched.

Chairman Martin referenced it was from Tom Lawson on 2/5/2002.

Don responded that yes in this case he does. Our position for a period of time has been that even on those roads that there may be less than a fee transfer to the County. If the energy company, for expediency asked us to execute a lease and offers payment voluntary, we will go ahead and accept that but that we will not pursue mineral rights for leasing actively or affirmatively. In this case, they addressed the issue and determined there is a fee transfer.

Motion carried.

Annexation 116 by Glenwood Springs – Proposed Final

Don brought the proposed annexation of CR 116 by the City of Glenwood Springs saying he had received from their office a proposed final petition for execution by the Board of County Commissioners. It has a lengthy legal description in that document of the right of way that they propose to annex. Don asked authority to ask the Garfield County Surveyor Sam Phelps to verify the location of that legal description so we have it accurately in front of the Board.

The Board approved.

Language on Final Plats - Roads

Don said this was for discussion in order to get a sense of the position of the Board. This concerns the language we use on Final Plat for dedication of roads. You may recall the language that we have right now requires attorneys to sign plats verifying that the public dedications, primarily the roads, are free and clear of any liens. Practice now in the legal community does not have attorneys abstracting so it makes it very difficult for them to sign that document. Don discussed this as some length with Bob Emerson because he has a plat that he wants to bring in front of the Board soon on the Roaring Fork Preserve. What we have tentatively agreed to subject to of course final approval by the Planning Commission and the Board through amendment, is a process by which there would be a dedication of right of ways on the plats, there would actually be a warranty deed issued to the County transferring the road to the County on behalf of the public. That latter phrase would protect the Commissioners historic concern about accepting roads into the County Road System and be responsible for maintenance and up keep of those roads. The County would accept them on behalf of the public still disclaiming that they are part of the County Road System and the plat and they would provide title insurance to support that deed. That latter issue Don said he discussed with David Harris to see what the availability of that insurance would be. David told Don they could insure the County's interest but not a general public interest in the deed. If the County wanted to include in its road system, and affirmatively asserted that yes, this is our road and we are taking responsibility for this road, then the title insurance would protect the County but it would not protect some general public claim to use of the road. In discussing this with other government attorneys, what all cities and most counties do is they simply accept the roads into the county road system; the vast majority does not try to disclaim any interest in the road as part of the county road system. Therefore, this does not become an issue for most jurisdictions but in our county, it is an issue. The question then is if this process is still something that Don should be pursuing, it is something that is acceptable to the Commissioners. To me, it seems to go as far as we are going to be able to go at this point.

Commissioner McCown commented that it really opens up the door to back us into the corner to either start maintaining and taking it into our road system or disclaim any public use of it, one or the other. It sounds like this is what it is coming to.

Don – we are close right now under the process that he described to the Board and did discuss it briefly with Jesse to make sure we are okay under GATSBY and it seems that we are until we built improvements on the road.

Commissioner McCown – but it is not our intention to do that.

Don said he understood that.

Commissioner McCown – but how do we protect the public's interest in that being dedicated as a public right of way.

Don – the protection you would have under this process is, and not to say this is ideal for what you would get is the dedication to the public, acceptance for the public and the warranty deed. That gives you recourse as it does in any property transfer against the person issuing that deed. The title insurance is frankly of limited value unless they County wanted to pursue active use of the road. However, your only protection in this process is the deed itself. In our current process, your only protection is recourse against the attorney executing the plat. What Don said he is running into, and has two cases in front of him presently, is that attorneys saying, “we can't sign that in its current form.” That is what we ran into the mid 1980's when we got the same response from title insurance companies. What Don is trying to do is develop a process that meets current practice and meets the needs of the County. Don said he can go back and tell the current

applicants that no, you have to sign the language the way it is and then see where we go if that's what you want to do.

Chairman Martin – that is what we have done and that relieves them of some of the responsibility and any retribution back to the attorneys. He said he still thinks that their signature still needs to appear on that.

Commissioner McCown – asked Don where he anticipated this would go if we say we still want to see the attorney's name on there.

Don said he anticipates the next thing is the Attorneys or the applicants come before the Board to make this request. Chairman Martin – It relieves the responsibility of the attorney to verify and to certify the action. It places that burden on the County and takes on all impact of challenges. Don – yes, weakens our position if we could find attorneys to sign the current language. If attorneys are willing to verify based on our current language, then yes, they are nailed to the language in the plat. Commissioners McCown if we cannot then there will not be any plats occurring in the County, which would answer Pitkin County's concerns. Don – the next response the Board will get will probably be to have developers and attorneys come before you to see where we go. Right now, the current practice in the legal community is not to do abstracting; it has not been for many years. What Mark's staff and I have been seeing for a number of years is not this directed approach but sort of a round about approach where we get many requests to allow this exception or that exemption, for example mineral rights – the way it's drafted right now, there's no exception for those many of which were transferred about one-hundred years ago. These have been brought to the Board and over a number of years, the Board has allowed some exceptions to that, but it is not in the language of your regulations. What Don is trying to do at this point is bring it in front of you directly but if you want to remain with the current language, this will be relayed to Mr. Emerson and the other attorneys involved and they can take it from there.

Commissioner McCown said, he is not out for any type of revenge against the attorneys but I think we need to afford the County as much protection as possible without bearing the cost of that protection. The attorneys and the developers are the ones that come before us with this request and I do not want the County to get into a problem down the road when the use of this road is contested. It puts the County in a position of either taking that road into their system, which was not the intent at the time of signing that plat, or giving it up as a public right of way, therefore, the developer or the owner could deem it a private road and control the use of which could possibly access other venues. That would put the County in a very awkward position, either scenario to that usage. Don said they really have not been faced with that now, but the direct situation where either you sign this or you do not file the plat. We can put it to them that way and see where they want to go with it. Commissioner McCown – that's pretty harsh but that's the bottom line on what it's going to come down to or the County bears the risk of the two other things I just mentioned happening. Don said in most of the jurisdictions, the deed is accepted but they are not similar to this County in the way that we handle those roads after dedication. So, what I'm hearing from the Board is a hesitancy to go forward and at this point I need to tell them that the Board is unwilling at this point to change the language and you need to address the issue. Commissioner McCown, if we can come up with some type of an agreement that would afford us the protection we are looking for. Don, a warranty deed is as far as we can go in that regard because any agreement we have will require enforcement by the County. A warranty deed is a plain representation that the conveying party, the grantor has good title. Commissioner McCown that warranty deed is not going to give us any level of comfort if someone contests the usage of it. It is a public road, you need to maintain it – you have the warranty deed, you hold the title to it – it is your road, you maintain, we are not doing it. Don, when we accept that warranty deed and try to qualify that on behalf of the public, there is no question that we are walking a very fine line on that issue. Commissioner McCown, paying taxes. Don said he will get back with Bob Emerson and tell him that right now the Board is unwilling to change the language on the platting and you need to address the issues. Commissioner McCown – unless the Board is willing to just arbitrarily accept these into our road system and start plowing, maintaining, and chip sealing. Commissioner Stowe felt they would be very creative and come back with something we may not have even thought about doing.

Executive Session: Evaluation/Selection/Negotiation of Road and Bridge Facility – Approach to Design Build – Valley View Hospital Negotiations – and Airport Property Road Negotiations Involving Property Transfers, and Direction to Staff by the Board On Negotiating a Contract

Ed requested the following to remain for the Road and Bridge Discussion: Jesse, Randy, Jeff and Tim remain for the session as these guys are all on the selection panel, as well as the Commissioners, Mildred, Ed, Jesse and himself.

For the direction with Hospital negotiations, Ed requested the Commissioners, Mildred Alsdorf, Ed, Jesse and himself to remain.

Don added that he had four pending claims that he needed to discuss the status of with the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

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

CONSENT AGENDA

- a) Approve Bills
- b) Sign Resolution concerned with the Approval of a Special Use Permit Application of a Guest House Located at Parcel D. Christeleit Subdivision for Joe Bertone.
- c) Sign Special Use Permit for Debra Englehardt
- d) Sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for the Rose Ranch PUD
- e) Sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for the Cerise Ranch Subdivision
- f) William Pinkham Requests that the Board of County Commissioners Refer His Application for a Zone District Text Amendment Concerning Noise Abatement to the Garfield County Planning Commission for Review
- g) Liquor License Renewals
The Grand River Grill
Rifle Creek Bar and Grill

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda with the additions of Items a-g, which would include the liquor license renewals; carried.

PUBLIC HEARINGS: ABATEMENTS:

Assessor Shannon Hurst and John Lister, Commercial Appraiser were present
Chairman Martin swore in the speakers.

- **John F. and Constance D. Campbell** – The law currently states that if an adjacent lot is used in conjunction with the residence, then they are to be given the residential rate. This is one they missed and we need to change this assessment from vacant land to residential for tax year 2001 in the amount of \$2,021.01. Shannon said she approves of the abatement.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement to John F. and Constance D. Campbell in the amount of \$2,021.01. Motion carried.

- **Bernard Poncelet - Abatement** was due to a sale on the property, it was a 10-31 exchange and later they found out after the appraisal, they should not have used it to value this property. Request is to abate taxes in the amount of \$1810.27 and the Assessor's office would approve this abatement.

A motion was made by Commissioner Stowe to approve the Abatement for Bernard Poncelet in the amount of \$1,810.27 as per the recommendation; Commissioner McCown seconded; motion carried.

CONDITIONAL USE PERMIT FOR A BOARDING SCHOOL – HANDS UP HOMES FOR YOUTH, INC. BOARDING SCHOOL. LOCATION: 8091 COUNTY ROAD 301, PARACHUTE, CO: APPLICANT: JAMES AND ILSE LYONS

Mark Bean and Tina Gray presented.

Mark Bean submitted a memorandum to the Board from James Smith. The letter from Mr. Smith from Hand Up Homes Youth Executive Leadership Team notified the Building and Planning Department that they withdrew the application due to the on the property option expired and a new buyer will be needed. If another application is made it will be subject to the public by newspaper and posting. Mark said to his knowledge there is no application. Hands Up Homes is a corporation out of Denver. Chairman Martin mentioned there is still a need for this type of housing.

REFERRAL FROM TOHE CITY OF RIFLE – BALLARD PETROLEUM, LLC, COMMUNICATION TOWER. LOCATION: SOUTH OF RIFLE ON AIRPORT ROAD. APPLICANT: BALLARD PETROLEUM, LLC

Mark Bean stated the request is for approval of a conditional use permit for a radio tower 55 feet in height located at 792 Buckhorn Drive, south of Rifle on Airport Road.

This is intended to be used for their dispatching. Mark pointed out the location on the map for the Board. Our policy and suggestion is to allow them to agree for co-location is possible. If this is agreeable with the Board Mark will include it in the comments.

Chairman Martin added to provide alternatives for camfloumage and their fenced in area they will have for their power sources, etc. have adequate screening as allowed by City Code, etc. that doesn't interfere with other signals especially for WAPA; also that it doesn't interfere with any kind of navigation and no interference with the monitoring of the light, etc. and other operations at the Airport.

Don asked in a process issue asked Mark how he was going to handle the comments.

Comments: Mark stated that in the past we have provided them a copy of a letter from the Chairman; so as we go through these referrals today, he requested the motion include the authorization of the Chair to sign a letter stating the Boards referral comments.

GARFIELD COUNTY EMERGENCY COMMUNICATION AUTHORITY

Mark submitted a request for approval of a Conditional Use Permit from the City of Rifle for an 80-foot high antenna support. The structure will be located 52 feet south of the dispatch center.

Comments: Commissioner McCown said this is quite different from a cell phone tower – as long as it does not impede any navigation. Commissioner McCown mentioned co-location possibilities were not to be a factor in this application. He requested this be verified with the FAA that this is compliance with their regulations.

REFERRAL FROM THE TOWN OF SILT SPRUCE MEADOWS ANNEXATION/MAJOR DEVELOPMENT APPLICATION. LOCATIONS: ALONG COUNTY ROAD 236 WEST OF SILT APPLICANT: MAG, LLC.

Mark Bean stated that this is a request for approval of a Planned Unit Development for the "1990 Grand" project. The applicants are proposing to subdivide an approximate 9.0-acre tract of land into forty (40) town homes and thirty-two (32) condominiums, with 1 –3 bedrooms per unit. The property is located north of Grand Avenue on the northeast portion of town. They are taking prime agricultural land; land has been used for cattle grazing. This was not encouraged in the Comprehensive Plan Mark did not believe there were any County roads within this, but if there are, annexation of the County Roads would be necessary. Comments included for the Town of Silt to look at the overall feeder system to Hwy. 6 & and other dead-end roads.

Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

REQUEST TO AMEND AND EXTEND THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR ROSE RANCH THIRD AND FOURTH AMENDMENTS

Tim Thulson and Jim with Leman Brothers

Tim submitted two documents – Third Amendment to Subdivision Improvements Agreement and Fourth Amendment to Subdivision Improvements Agreement for Rose Ranch Planned Unit Development, Phase I. Mark Bean submitted that on September 17, 2001 the Board of County Commissioners at a public meeting did extend the completion date of the public improvements to March 1, 2002. This extension is included within the third amendment. Evidently, a signed copy of this extension has not previously been executed by the Board of County Commissioners; and a draft that Rose Ranch obtains and receives County approval for a letter of credit or other acceptable security for the entire period of this extension.

Tim Thulson supported Mark's comments and requested the re-submittal be signed by the Board.

On the Fourth Amendment, Tim said they have had some construction delays. Rob Jacobs is discussing the letter of credit with the Bank and the amount will be reduced to the amount necessary.

Don DeFord said that Mildred will be holding this until the security is in place.

Tim said they are getting the approval before they have the letter of credit in place; it has to be presented in order to be valid.

Mark stated this is a formality to have this signed for the Third Amendment.

Executive Session – Continued Discussion on Litigation - Negotiation Discussion on the Lease with Valley View Hospital and Emergency Shelter Care – Social Services – Airport Road

Those needed for the session on the Airport Road included: the Board, Carolyn, Ed, Randy, Tom Russell, Jeff Nelson, Tim Arnett, Mildred and Don.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

Don stated that on the Lease Negotiations he would request the Board, Ed, Mildred, and Carolyn for the remaining issues.

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

AIRPORT ROAD AGREEMENT WITH THE CITY OF RIFLE AND BOB HOWARD

Developer Bob Howard, Attorney Lee Leavenworth, Shelby Myers – Rifle City Manager, Jim Neu, Mark Bean, Tim Arnett, Jeff Nelson, Randy Withee and Tom Russell were present.

Don submitted a memo this morning regarding some issues and elements that were laid out in a discussion document and a map prepared by Jeff Nelson. This lays out the stages of development to identify County Roads 346, 319, and 352 as identified by the memo as different phases of the project.

Lee Leavenworth – discussions began in June with the County identifying additional needs for the Airport Land. A decision is needed in order to make the deadline for the Energy Impact Grant cycle for April.

Commissioner McCown – here are we applying for a grant on a road that is not designed because we do not have the study completed. If we do not make this April cycle, it will clearly August before there is a new grant cycle putting us in 2003 before construction could begin.

Ed mentioned commitments had already been made to DOLA that we are coming with a grant proposal in April. Commissioner McCown – we are coming with a two-lane road with adequate shoulders that we feel we can build with or without your participation. That is what remains to be seen. Lee clarified that the Board agrees that the specification there now should go down to the Y? Commissioner McCown – the likelihood with the participation that Rifle has shown, yes. Now if the participation gets very limited once we get beyond that point. Their participation took us all the way up to the GO GEN Plant on the first Phase. Don – yes on the first phase. Commissioner McCown and that was the \$200,000 commitment. He added that he didn't know if that would serve both of our needs as well as whatever it takes to get it to the Y, three lanes and then we re-evaluate how we go up the hill. He clarified that he was not saying the entire \$200,000 would be applied to that stretch from Harry's Heavy Haulers to the Y either.

Lee Leavenworth said it seems to him if the concept that is outlined here subject to agreement on the spec is appropriate, maybe we need to keep the momentum going here and go ahead and staff drafting the agreement. He suggested that we let out engineers meet with the County and at least discuss the issue so that the City can get input, Bob can get some input from the engineers, and the Board can get input for the County engineers. Moving forward with starting to draft the agreement, letting the engineers discuss this over the next several weeks, then coming back to the Board about what they believe is appropriate and what the Board feels as well and try to keep this momentum going, draft an agreement and let the technical people discuss them with one another and see if they can reach a consensus. Commissioner McCown said he felt they lost some of the momentum when we looked at the impact to our Road and Bridge budget. Are we looking at doing Phase I and stopping for 5 –6 years until we can come back up with a reasonable fund balance in that, and are their other county roads that will go un-built as the need arises so we can dump all our money into that one project. This was the decision that slowed this up. There was a real reality check. Lee Leavenworth agreed it was a tough call and the Commissioners would need to make it. Lee said they wanted to get some input from the City engineers and suggested Bill Sappington and Jess Simonson meet with the County engineering department and Road and Bridge Department to see if they can reach a consensus on this point. Perhaps then come back and report where these individuals arrived at in their discussions.

Bob Howard commented that he fully appreciates the concept of not building something that is going to go used and there is no real value to that turning lane to how traffic flows on that road. His instinct tells him that at build-out during the morning and evening peak, and then having that turn lane would be light.

Chairman Martin said he would like to have the Y identified for those who do not know. That area has a little county road that runs around the toe parallel to I-70.

Lee identified the Y is where CR 346, which is what leads Taughenbaugh to the Airport, CR 346 then turns left at the Y and goes along the lower side of the Airport on I-70.

Chairman Martin – which we have difference of opinion – I think we're going to close that one off because of the safety issue and the Airport – so that's what we are talking about in that area.

Annexation – Chairman Martin asked where is the City was on 346 road on annexation now. Is it just where the improvements start in Phase I or is it close to the hill.

Lee said that as they have taken in parcels along CR 346, they have been annexing the road with it, now whether we have completely gone to the Y, he could not say for sure.

Chairman Martin – and that's to the Sills property and that would complete it to that particular intersection there.

Don asked if we were potentially looking at another phase to develop this to the Intersection of 346 and 319 which is the Y - that being the first Phase rather than up the hill?

Bob Howard - Airport Land Partners, from his perspective, he wouldn't be very pleased about giving a number of number of acres of prime property just to get to the Y which basically does us no good. We would like to see some access for our first phase. Lee said he thought the answer was to split Phase I that you have identified into 1A and 1B. What you are hearing is they are in a real incentive to giving land to the Airport for 1A. Don said but we might want to look at splitting the design perimeters for 1A and 1B because of the potential for a 3-lane road. Commissioner McCown – I think the City's primary interest at this point would be the completion of 1A. Lee said the sub on Airport Road is pretty much done in terms of development and what we see as the future of additional light industrial and therefore jobs for the City is Bob's property so I think our conception does goes all the way up the hill. Commissioner McCown – but your commitment is for \$200,000. Your interest goes well beyond your financial limits as ours do. This is where the County has to get down to the details of it as to what we can afford and building a 4-lane divided parkway in 2/10's of a mile increment does not serve any of our interests to the best. He said he would rather have a safe designed 2-lane road with adequate shoulders on it all the way across rather than a parkway in tenth of a mile increments that we could afford every four years. Lee said the hospital is putting in a right turn lane so we'll go four lanes at that stretch with that turn lane and the Rifle Retail Ventures which is the old Shaffer parcel is proposing a 4-lane along the entire stretch of their property based on their traffic. Selby said there should more of a City contribution then to this road. Lee mentioned they have not seen a signed contract.

Don – the way this memo is drafted currently, Rifle and Airport Land Partners are responsible for right of way for the first three Phases and emphasized three Phases asking if that is their understanding because you do not control all of that property. Lee, as we have annexed along up to the Y, we have gotten the right of way we needed in there. There is a stretch or two we think we can probably get, the rest of really falls on Bob. Bob does the value of that right of right assist in any way with the match for the DOLA funds. Selby said they actually used it in their match because they were short of cash, and to the extent that we had donated right of way that we were able to utilize it. Lee said they have used right of way donation to get CDOT grants. Jim Neu said they have 100-foot right of way now. His plan on annexation and subdivision is to allow for a possible 4-lane that someone someday might build. Lee – what do we have along up to the Y. Commissioner McCown said, the County normally does 60' right of way. Selby said we have to look at this area as being a very special thing – we have the future here and how to know how important that facility is going to become but at the recent rate of development, it certainly looks like a good feature. When you look at the potential for industrial development in the Rifle area generally, the Airport Land Partners' property is going to be a prime piece of real estate and you need that property adjacent to your Airport so you can expand. We began building the 3-lane Airport road in 1999 and now we are talking about a requirement for a signal and requirement for 4-lanes in the near future. Things are moving a long a lot faster than we think. Don asked the City, on annexation if they intend to annex the first three Phases. Lee said Bob has indicated a desire to annex the street into the City and develop in the City rather than in the County, which we have encouraged, and support. If we are annexing this property, there is no problem annexing the road as well at that time. Don said both of these last two issues are his concern on Phase 3 is that Bob does not control all the property along that Phase. Selby said they would not be annexing unless people ask us to and so far, there has not been anyone east of ALP property request annexation. Don- in talking about drafting an agreement, the way this is written right now, you will be obligated to do that and therefore the purpose in asking these questions. If you want an agreement to move forward you want a binding commitment of Rifle to annex and to acquire right of way or not. Lee said he thinks they are okay with that and again there is no problem annexing to the east end of Hal's property when we annex their property. Phase 3, I do not know, but it does not seem to be something we couldn't change if we need to in the agreement.

The City and Bob as well needs to get some advice from our experts about it two-lanes will work. Then we would need to make a subjective decision as to whether this will get us where we need to go.

Commissioner McCown mentioned it needed to be a safe level of operation and Bob is saying three road cuts as a possibility from the Y to the Co-Gen Plant which could be addressed with turn lanes, or excel lanes – it would be a much shorter duration than that entire third lane. Selby – application for DOLA funds, do we need to have finite engineering costs and road construction costs? Ed said they want as much definition as possible. Commissioner McCown added they would want to know if this was a two-lane or a three-lane

Lee said in drafting an agreement on annexation, the way this is written the annexation includes the roads. He will pursue further discussions on this issue and get back to the County.

Further discussion was added to the Agenda at the March 4, 2002 meeting.

REAPPORTIONMENT

Don DeFord, Mildred Alsdorf and the Commissioners discussed the proposed split for House and Senate Districts. Mildred commented that the way it is proposed, House District 57 and 61 are still split. The new Senate Districts take in Battlement Mesa and a portion of Rifle as Mesa County. They did the same as Silt on the Battlement Mesa area; they followed the Interstate, it took in all of Parachute. This eliminates Precinct 25, they took the town with Battlement Mesa and there is no place to hold an election in the rural areas.

Commissioner McCown said he is still opposed and upset that they are not acknowledging Garfield County.

Mildred mentioned the protests must be submitted today.

Commissioner McCown made a motion to re-submit the original letter and authorize the Chair to sign.

Commissioner Stowe seconded. Motion carried.

HUMAN SERVICES COMMISSION – SERVICES FOR SENIORS

Legal Services

Cheryl Hurst and Deb Stewart from Colorado Mountain College were present.

Cheryl Hurst provided information on services provided through Legal Services.

They are funding through the Older Americans Act – advocate for over 500 residences housed in Nursing Homes; there is nearly 100 residents with issues related to abuse. The biggest change is the number of complaints and the severity of abuse. In their Omuksanbud Services, sometimes they have reported these to the State Health Department, who then comes in and resolves the issues. Cheryl stated HB 1225 and HB 1237 would be good improvements. Cheryl said her impression is that these would be good improvements.

Senior Services

Deb Stewart – Director of Senior Services presented a full review of the services available for the senior population including: An Analysis of the 2000 Census that indicated seniors are in all local the communities and they are seeing a lot of growth in the Western portion of the County; Packets containing two Newsletters, that is now self-supporting through advertising, connecting seniors with news items, guest editorials – State Laws, and Library information. She said the focus is successful aging. Deb added that they have 466 very active volunteers who live in all parts of the County. Last year they served 27,000 meals at eight meal sites; Sunnyside is accepting meals and some to Chat and Chew. The meal provisions are through Valley View Hospital. Their reports show 50-50 in West and East Garfield County. Out-migration to nursing home or to family homes – transportation needs in the Western end Frozen meals are available out of Glenwood Springs or Rifle - they served 3500 meals last year plus 6000 meals have delivered out to individuals. Those who purchase meals at the site are not in this count. They have confirmation on a new grant and a new program that is in partnership with the Wellness Clinic; they will be offering a workshop to get the information out to the seniors. Public Health is another option available to the seniors. There is a new foundation called “Caring for Colorado” that is out of Blue Cross/Blue Shield. They now have a tri-county adult protection task force dealing with protection issues. This is an educational process and it is very important to be involved in awareness of how seniors are taken advantage of in various situations. They currently are working on a major project that is a collaborative effort with Chief of Police in Carbondale asking them to partnership on the Resource Directory publishing. There is another new program called “Living Connections that is funded for a 3-year period of \$300,000. The focus is around the end of life decisions and this covers Aspen to Parachute.

The concept of positive care is a process of making decisions through this process. Beginning March 1, 2002 they will have a Meals on Wheels program in Carbondale that they were able to provide through some grant sources; they are also working with Heritage Care Nursing Home. If this is successful, hopefully they can work collaborative partnership with Eagle and Pitkin Counties.

HB 1209 is the Older Coloradoans Program created to fund programs throughout the State of Colorado through the area agencies to provide community-based services to persons aged 60 years and older to assist such persons to live in their own homes and communities for as long as possible. Such services include but not limited to congregate nutrition, home-delivered meals, transportation services, in-home services, legal services, elder abuse prevention, outreach and information and referral services. Deb explained how this program is funded through excess sales and use taxes at the maximum rate of about \$32,000 a year and is targeted for Rifle. This year it is up for renewal and permanent status funding. They have been instructed to develop a plan, just in case – this will begin on July 1. The Federal Government has not made a decision as to their funding. It will be heard in the House on Wednesday, February 20, 2002. They came up with the

idea of having each senior fill out a plate to State Senator Jack Taylor and she now has two boxes of over 600 plats with individual stories about how important the senior programs are to these individual seniors in Garfield County that she will deliver to the State Capital on Wednesday. She gave the Commissioners of filling out a plate if they wanted to do so. The Resolution that you received a copy of, you'll see on the front side the City of Rifle Resolution and on the back you'll see the Council on Aging Resolution as to a determination as to how those particular programs are to those individual communities and the impact these programs have on them.

Chairman Martin said at the CCI meeting on 2/1/2002, the County Commissioners stood in support of HB 1209 – the scenario is it takes sales and use taxes and converts it to the ongoing cash fund for older seniors. This had an overwhelming support of all of the County Commissioners that were present at the meeting with CCI. Therefore, you have that endorsement as well.

Deb said they were asking for guidance and support because the biggest cuts by the Joint Budget Committee will likely be in human services. She said they have added an extra day in Rifle and if she has to cut, she will cut out Thursday and keep the Friday meal day. They have completed a County Survey attempting to find out where seniors will be projected in the future. This was provided to New Castle where the new assisted living center will be built. They have looked at the data but a draft report has not submitted. The survey concentrated on four areas: transportation, health, housing, and meals. Deb asked for time on the Commissioners Agenda to go over this report; the information is valuable for the future of Garfield County and it's not just about the CMC program. It relates to housing and health issues.

Columbine Homemakers received their 5013C and this is their major fundraiser featuring Crispy Cream Donuts. They have sold 180 dozens and order need to be in by March 11, 2002; the price is \$7.50 a dozen and one-half of that goes to the program. The donuts will be delivered on March 18th. The rate of cost for Columbine Home Health care is based on income; they write grants to make up the difference.

Transportation and RFTA – there are current problem with bus stops; how to reach the Traveler once the bus arrives here. Deb Stewart is coordinating this with RFTA now.

Cheryl Hurst commented on the Adult Protection Team that is working in Garfield, Eagle, and Pitkin Counties. Carolyn Dahlgren is providing some additional assistance. There is a workshop on Alzheimer's at Heritage Park on Tuesday – 2/19 from 6:30 – 8:30 pm and on Thursday 2/21/2002 at the VA Nursing Home in Rifle

The Humanitarian Awards will hold their annual Banquet on March 14 at Hotel Colorado.

BOARD OF HEALTH

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health. Motion carried.

Mary Meisner and Shelly Molten submitted the Board a packet of information; Shelly is working with the Executive Director for the Valley Partnership – Public Health on the Tobacco Grant for Drug Prevention. Shelly said they completed a Needs Assessment and 5-Year Master Plan for the Master Settlement Dollars; and reviewed the status of the Plan and explained what it means to Colorado and the various Counties. Garfield is the fiscal officer for the first year.

The Plan included: 1) Data gathering – they recruited and now there are about fifteen people involved in the Tobacco Task Force. The first portion of the goal is finding out the status of tobacco use. Their finding based on the Colorado Rocky Mountain School indicates that about 75% are not smoking; the 25% of the students that smoke said a parent at home smokes and this factor escalates the use of the youth. At Yampah, the report that included the survey of 15 kids who responded and reflected on a mixture of questions they developed consisting about what drugs perception was: 95% perception of kids smoking was real high but the truth was that out of 130 kids at Yampah is that only about 42% reported smoking. This reflects a higher rate than other teenagers in other schools. The surveyed the Aspen School District where there is a total of 1450 kids total in the Pitkin County School District. They were able to do an extensive report of middle and high school kids. The report shows the Aspen kids are 5% lower than kids in Garfield County are; the middle school kids were interested in prevention. One of the areas Shelly said they need to aggressively work on in the elementary and middle school kids is that they do not understand the potential of the additive side of nicotine, it usually takes the average adult 13 attempts to quit. Garfield County RE1 and RE2 have not been included in a survey. They tell us there is some data but it is very fragmented and Shelly said she would need to go in and pull the specific questions out of specific surveys in individual schools to get the data. It's too expensive to do it this way, but in their second year's action planning is seeing if they can get the schools to do just one survey and it would will a comprehensive survey that would include all kinds of drugs. Roaring Fork Valley Coalition on substance abuse is on adult findings.

There is a group of about 15 people that meet every month and they submitted a 2-page information and survey. Shelly suggested what she thought they should do in their second year action plan is to stand at City Market and watch the number of people that come out of the store, ones that purchase cigarettes and also the ones that have a smokeless tobacco can. City Market has said they can do this and the goal is to obtain 100 surveys so they can obtain information on how many adults are probably purchasing tobacco products. The use of smokeless tobacco, 375 surveys in Eagle County indicated that boys are using smokeless tobacco at a rate of twice the national average. The national average is 9% and the kids in Eagle County reports indicate 19%. In Garfield County schools, the last comprehensive drug survey was in 1996 and the data is too old. RE-1 and RE-2 have been electing to focus on academics and are less willing to focus on health issues and smoking.

Commissioner McCown commented that Rocky Mountain School, Pitkin, and Yampah are not representative of Garfield County.

Shelly said that second hand smoke needs to be addressed in their action planning. They need to increase the availability of cessation programs for adults and kids. When the police bust a kid, they are given a fine in Court but there is no youth cessation to get them off tobacco; the same for adults if they want to quit. Colorado West just started one at their facility – they have graduated the first three. The State of Colorado has a quit line 1-800-QUIT. They have had several thousand called in; in a year they will be able to give numbers of Garfield residents who have participated in the QUIT calls. The State is promoting this. Shelly also mentioned that the focus would be on education of the public and enforcing ordinances; the entire Community needs to be involved in prevention. Parents need to be involved because these parents are responsible for their own use and relay this to their kids. A possible tobacco tax could essentially fund this type of program. Pitkin County Ordinance has made a big difference; they have had a tobacco prevention use for 9 years. Pitkin has gone smoke free based on air quality – Snowmass is smoke free; they have a Clean Indoor Air Ordinance. Since the July 1999 Law, schools have become tobacco free schools although they have to meet several components to be in compliance. Today there is no consequence in place however; the Tobacco Task Force will work with the Schools on developing consequences. They have 3 years to come into compliance or their funding will be affected. Step one; they checked the schools for signs. The Signs are free; Garfield County has three school districts that need to come into compliance – RE 1, RE 2, School District 16. They also have other school districts out of compliance in DeBeque School District 51 and Eagle 50J. Next year's action plan will include written information to get parents informed and help the schools to draft a policy. The schools will be very aware of what will happen if they do not come into compliance. She mentioned that Licensed Day Care Home providers are not allowed to smoke. The one single sampling of cigarettes, "loosies" purchased at liquor stores and bars will be targeted to get rid of this enticement. "Loosies" are against the law. These are easily accessed by kids and some just take them. The places that have "loosies" are ignored the education repeatedly. Grocery stores will need to get rid of tobacco advertising and avoiding placing cigarettes at the child level. In addition, vending machines and Garfield County has only one vending machine - it is located at Doc Holidays. They are very impressed with the effort made by the County. This is easy access for kids. In the 8 months of working, a 5-year Plan will be submitted to the State Health Environment by June 30, 2002 and next year's action plan as well, so the counties can continue to get grants. The Current draft includes these four goals: 1) Prevention of Tobacco use by youth by Promoting Youth Advocacy into communities; 2) Promotion of Sensation – State Quit Line; 3) Second hand smoke – all about education – health hazards – bars – servers; and 4) Increase a capacity goal – continue recruiting onto the Task Force Board to have more people making decisions on this and addressing issues

Jesse inquired as to Shelly's definition of a public place. Shelly responded such as the Courthouse, a hospital but depending upon what a community wants to take on, a public place could also mean a park, and a recreational area. Jesse said in Scottsdale they put in a very stringent law and they defined public place as any place containing two or more people. Commissioner McCown called the attention to the fact that he lives in an area that is not included in the Roaring Fork Valley, as New Castle, Silt, Rifle and Parachute. Shelly mentioned they would add that because they have information from those areas. Shelly concluded that the State has told her that they have not seen a contract such as the one master plan for Garfield, Eagle, and Pitkin – really impressed and may use as a model in rural resort communities. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health. Motion carried.

SOCIAL SERVICES

- ***Memorandum of Understanding for the Colorado Works Program and the Child Care Assistance Program for 2002.***

Margaret stated that neither of these program contracts have substantive changes and legal has been approved in the past. Margaret did not get these to the County Attorney to review; Carolyn Dahlgren was on the Committee and she can verify that there were not changes to the Contract at all.

Recommended Action: The Board of County Commissioners approves the plan and signs the Memorandum of Understanding.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Memorandum of Understanding for the Colorado Works Program for 2002 and the Child Care Assistance Program for 2002 upon final review of the County Attorneys' office; motion carried.

BOARD OF SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; motion carried.

- ***IGA between the Garfield County Department of Social Services and the Garfield County Housing Authority for services to Colorado Works clients.***

Margaret explained that the body of the contract is the same as last year has except that we itemized and reserved up to \$12,000 for clients who have gone off the TANF program. This will help keep families from returning to the program. The total bottom line is the same and is in the budget for 2002.

Recommended Action: The Board of Social Services approves and signs the new IGA.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the IGA between the Garfield County Department of Social Services and the Garfield County Housing Authority for services to Colorado Works clients in the amount of \$12,000 and the Chair authorized to sign the Contract upon the approval of the County Attorney's Office; motion carried.

- ***IGA between the Garfield County Department of Social Services and the Roaring Fork Family Resource Center.***

Janice George, Margaret, Lisa Pavlisick and Carolyn Harden worked on a new IGA with the Roaring Fork Family Resource Center which serves three locations doing in school case management and referral to services. She has kept accurate records and they are serving TANF eligible families. They came up with an IGA, which would provide \$7,595 at \$35 per student; this is a good self-sufficiency program. The citizens are getting them hooked into services in order that they can become self-sufficient.

Margaret explained that this is a new IGA for services to TANF eligible families. The Center has been providing services to this population and we used that data to put together the fiscal agreement. We have the money in the budget to cover this expenditure. Furthermore, the contractor understands that if TANF funding is reduced that we may have to reduce or eliminate funding for their program in future years.

Recommended action: That the Board of Social Services approve and sign the IGA.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the IGA between the Garfield County Department of Social Services for the purchase of services of the Roaring Fork Family Resource Center in the amount of \$7,595 and the Chair be authorized to sign the Contract upon review of the County Attorney and approval. Motion carried.

- ***Purchase of Service Agreement between the Garfield County Department of Social Services and the Resource Center for Resource and Referral Services***

Margaret explained that this is a renewal of a contract that has been in place for several years and has worked well in the past, we had also included services for Eagle County but in the new regional IGA, Eagle will do their own contract. There is money in the budget as part of the Regional Childcare project. The amount is \$14,725.

Recommended Action: The County Board of Social Services approve the agreement and authorize the Director and the Chair to sign it.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase of Service Agreement for \$14,725 for the Resource Center for Resource and Referral Services with the elimination of Paragraph 5 and authorize the Chair to sign as well as the Social Services Director, Margaret Long; motion carried.

- ♦ ***The Allocation Workgroup for the Colorado Allocation Committee*** held its second and final meeting last week. The group agreed to two options to forward to the Colorado Works Allocation Committee. Margaret continued to explain Plan A and Plan B. Plan A would work okay for the department although they would lose about \$100,000 but B would drop the department by \$350,000 which would really put a

crimp in the ability to transfer dollars to the child care project and to child welfare. Plan D is going to be recalculated to include projected 2002 expenditures, which Margaret explained may help a little. She plans to attend the meetings of the Colorado Allocation Committee and report back to the Board. The bottom line is that there are not enough TANF dollars available to meet each county's needs. This is driven not by expenditures for direct TANF (Colorado Works) but by the very significant under-funding of over-expenditures in Low Income Child Care Assistance – a problem Garfield County does not have and in Child Welfare – a problem the County has had in the past and may have again in the future. Margaret summarized that the arguing between the large ten counties will result in a figure somewhere between Plans A – D.

◆ **TANF Reserves**

The JBC came up with a plan to take away up to ½ of many counties' reserves. Margaret submitted a letter that explained how each county would be affected. Garfield County would not lose any as we have expended a lot on child welfare, the childcare project, and in building and equipment improvements.

◆ **Child Placement Issues:**

Margaret stated the formal action plan to outline what specific steps possible to take to deal with the dual diagnosis population of children has not been completed. She continued to explain the position of the State and mentioned it was most promising at this point. Margaret added that she had volunteered to take a leadership position on this and assume that the Executive Committee of the Directors will approve this at their meeting next week in Denver. She will submit a formal plan as soon as possible.

◆ Additional **monthly reports** were submitted that included ending summaries for the January 2002 period.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; motion carried.

Executive Session – Lease Review

Those requested to remain for the session included: Don, Dale, the Board, Mildred, Ed and Mark Bean

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

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

Motion – Leases

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter to Ken Kranz, President of the Glenwood Chamber of Commerce Resort Association and to Dale Snearly, President of the Garfield County Senior Housing Corporation – Sunnyside Retirement Center regarding the lease/sublease of Garfield County Properties in Glenwood Springs with respect to the terms of the lease regarding their limit of promissory rights, improvements on the subject property, to remind them of the sublease with the City of Glenwood Springs, in order that they remain current on the obligations and protection of their interest in the property; motion carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn until Tuesday for the City/County Work session; motion carried.

Attest:

Chairman of the Board

MARCH 4, 2002
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 4, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Judy Hayward – Project Director - Grand Valley Historical Society provided the Commissioners with the history of the Society saying that as of two years ago there were 40 members now that has increased to well over 100 paying members. Last October the GVHS was given four (4) acres of land and the old Battlement School House dating back to 1947. The intent is to renovate a very old structure that was built using stone quarried from the Battlement Mesa area. Therefore, today they are here with a two-fold purpose: first, they are advising the Board of their good fortune; and secondly, they are asking support for the project. The situation is there a Colorado Historical Society Assessment Grant available and then some future funding. They need a County representative for many of the applications for the funds. Bob Stirling, a resident of Battlement Mesa, and is an architect in Aspen who has generously assisted the Society in developing some phasing plans consisting of: Phase I – fixing up the interior of the school house with water, electricity and building a parking area. The plan includes making the front portion into an area museum and the back portion that has two rooms, would be to make a meeting room for classroom education for all ages; Phase II – includes developing a picnic area, an old machinery park, walking trails, memorial tree planting, and a playground. Phase III – would be moving some other buildings onto the site including developing more historical stories about pioneers and Phase IV would include putting a barn via a “barn-raising event” with a square dance. The schoolhouse is to be the center of their historical village. They are hoping to avoid charging admissions; the Lions Club has donated \$2200. Judy added that she has met with the Chamber of Commerce and the Kiwanis Club as well. The request is for the Board to provide the Grand Valley Historical Society with a letter of support for the assessment grant to the Colorado Historical Project if there is an interest in helping them accomplish their goals. They are asking the same thing of the Town of Parachute.

Commissioner McCown made a motion to draft a letter of moral support for Judy’s efforts and the restoration of the school house so this can be attached to those grant applications letting the Colorado Historical Society know that the County Commissioners are aware of the project goals.

Chairman Martin added that the Board has supported the Missouri High School, Carbondale in reference to their jail and the log building, Four Mile Ranch in preserving the barn, and going along with all the historical buildings.

Judy added that if there are ever any new roads developed in the Parachute/Battlement Mesa area that the Board would come to the Historical Society so they could suggest names for new roads in order to keep the history of this area alive in the community.

Commissioner Stowe seconded; carried.

DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Jean Martinsen, Bill Evans Director and David Hauter from the City of Glenwood - Downtown Development District were present.

Jean reminded the Board that this entity was established by vote of the citizens last November and was passed by City Council in January 2002.

The Commissioners were given a packet of information that explained the taxing districts that depend upon the downtown area. The DDA is planning to address parking issues and are hence learning from other areas and citizens such as Castle Valley who does not contribute money to the New Castle Downtown District – the same is true of the Town of Carbondale with their area developments.

Bill Evans mentioned that the taxing information used to determine the dollars were directly taken from information provided by Assessor Shannon Hurst. He reminded the Commissioners that the City Council has the clear authority to pass this mechanism. Bill said he had sent out preliminary information to the Commissioners last week consisting of an overview that gives a primer and if there are remaining questions

about this is and how it operates he would be happy to answer questions. This is sometimes a complicated and confusing mechanism but it was enacted by the Colorado Legislature over twenty years ago and has in fact been challenged in the Courts by other districts and has always been upheld at both the appellate and Supreme Court levels.

The fundamental principal is that one defines the downtown area and basically, it is the core of downtown Glenwood Springs. Inside that area growth that occurs, TIF (Tax Increment Financing) is the growth and does not include anything retroactively, in taxes in either sales taxes and/or property taxes only within that downtown area. As far as sales taxes are concerned, and is entirely up to the City of Glenwood Springs, to decide what percentage of growth they would be willing to give the DDA; they have now said they would be willing to give 50% of the growth only. Therefore, that is really 50% of 3% to 4%, which is where they usually grow. For the DDA that will amount to about \$33,000 estimated for next year which is not even 1/3 of the DDA's operating expenses at present. The other thing is the property taxes, which is more controversial – this is the growth only from new construction and only within the boundaries of the DDA. Everything that is already on the books, prior to the establishment of the TIF continues to be valued and taxes received by the existing entities. There is about \$29 million plus in current property values in the DDA per Shannon Hurst's numbers. That money and the increases that occur according to re-evaluation will continue to flow to each of the entities that are still there.

Bill pointed out on – Notes – the tax predictions for the districts were supplied by County Assessor Shannon Hurst and she based this on new construction – re-appraisal estimates from 2002 – 2006 as well as estimates of new growth within the districts. All of the districts, the six entities listed from Garfield County to Colorado Mountain College, all of the current total revenues in Column 6 were supplied by each district. As we yield beyond 2002, Bill stated that he added on 5.5% to estimate Garfield County and the other district's revenues. A bottom line scenario is on page 4 where Bill shows the growth in revenues from 2002 through 2006 – the current mill levy – property values at the current rate of \$29 million. In Column 3 – Shannon's estimated growth and multiple that times the mill levy, it means that Garfield County's rate of property taxes that would be foregone would be \$10,654. Garfield County's (GARCO) total revenue as in Column 4 is \$11,168,000. GARCO's current, Column 6, Total District Revenue, previous years plus 5.5% past 2002 are \$38,714,202. That means the portion back in Column 3 that is the County's DDA investment \$10,654 is .0003 or 3/100th of 1%. TIF grows over the years due to the increase in new construction is cumulative. Shannon estimated \$780,000 the first year and approximately a million years thereafter. Therefore, Garfield County 2002 to 2006, the bottom line, by 2006 with a growth estimate of \$1,000,000 a year, the contribution at that time, due to the cumulative affect, is estimated to be \$65,556, the percentage becomes, .0014% or 14/100th of 1%.

As Jean mentioned, City Council has the authority to adopt the plan of development that has, as its financing mechanism. It also includes about 100 projects including flower boxes to parking structures. Bill highlighted that the DDA cannot accomplish projects like parking structure or other significant developments unless they have TIF property taxes, which will eventually, be a substantial amount. He projected that it would take about 7 to 8 years to have revenues in the DDA to reach about \$500,000, which is the minimum of any sort of bonding they would be able to do. The difference in having sales taxes only from the City of Glenwood Springs versus having property taxes from the growth from other entities is the difference in the DDA being a flower box organization and a parking structure. This gives a clear indication of how significant it is.

Bill said the meeting today is a courtesy of a willingness to discuss this with the Commissioners. Jesse Smith has mentioned several times believing that the estimates of growth downtown may be more substantial; this may be the case. Bill said he only used the Assessor's estimates. TIF can be used as well as planning development to prevent blight and to prevent deterioration of property values, which is a valued asset for the County as well as others. They strongly believe that by making downtown Glenwood a better place, it not only has all those intangible values for the County's employees and their operations but it will also have tangible values because the other property values – the \$29 million base that will remain, will grow more quickly due to the vitality of downtown. Therefore, there will be a positive payoff for the County as well.

Commissioner Stowe asked how long this plan was to go on; the projection was for 6 years.

Bill agreed it was projected for 6 years but he asked Shannon to project up to 25 years.

Beyond ten years, the question remained unanswered as to whether a vote of the citizenry or of just the Council would need to happen in order to continue this process.

Commissioner Stowe focused on the figures presented by Bill Evans and said that in using his figures and ignoring Jesse Smith's figures at the end of 20 years they will have recaptured approximately \$2.5 million from the County coffers in gross revenues. This is very conservative, but somehow that money have to be backfilled; and no matter what Bill calls it whether it is a Downtown Improvement tax, it is money the county would normally have used for County operations and would now be devoid of over \$2.5 million worth of revenue. This means if the County has shortfalls in County Road and Bridge construction or anywhere else, we will have to go back to the citizenry and ask for a tax increase. Therefore, appreciating the need to improve the downtown areas, reminding Bill that there are six municipalities in this County, and in looking at the potential of all six towns/cities doing the same thing, ultimately the County will potentially lose \$10 million in the next 20 years. This is a big hit on County tax revenues, so for Bill to ask him to support a bill like this, he can't do it because what is really being asked is commit some future Garfield County Commissioner Board to go out and raise the taxes on the people. This is an increase in overall taxes just to justify the rebuilding of the downtown business area. The other question for Bill, understands where your boundaries are present, but can this be expanded and easy is this to do? Is this a vote of the citizens or is this just another vote of the Council?

Bill Evans responded that it is a vote of the Council. What occurs according to the statute is, it is also up to the property owner, and the property owner has to petition. There is no such thing as an involuntary annexation into the DDA. The property owner has to petition the DDA Board to be included in the DDA boundaries. It also has to be adjacent too; you cannot do any flagpole or postage stamp stuff. They petition the DDA, the DDA then requests of the Council that they consider that additional ground and it is up to the Council to add that ground.

Commissioner Stowe – it is conceivable whether you decide now or two to five years from now that the entire Wulfshon property could be annexed into downtown business. Should the City officials want to do that, then any new construction including all the retail and everything else that would go out there would be considered new construction, and none of that tax revenue would be available to the County or the other entities. That would be a tremendous windfall of funds for the City of Glenwood as well as that area and you could then approve everything through amendments to \$2 million and we're probably looking at \$10 - \$15 million. Noone knows if this will happen, but it is conceivable and it is out of our control and out of the hands of the general public. Once again, this is the second reason why Commissioner Stowe said he would be opposed to this sort of taxation.

Bill Evans – I understand. It is conceivable, but I think practically and politically it's extremely doubtful that 100% of those taxes are going to occur – that means that the City is also giving up all of its revenue. This is a practical and political matter and is difficult already until you throw in a card such as that. That is a huge amount of money and that becomes even more difficult. However, as far as the impact on the other entities, Bill said he felt a good portion of that would be made up in terms of increased property values for the County and others existing baseline as well as other things that the DDA would be itself that would occur adjacent to the DDA that might the kind of loses that you've had.

Commissioner Stowe – this sort of a program has been available on several Front Range cities and as well as in Grand Junction. Have you looked at their return and increase in property values versus the money invested in those?

Bill Evans – No, not at the number exactly and added this is a good question.

Commissioner McCown – It clearly looks like a win-win situation for the City of Glenwood Springs. What they are losing in the County and what they are giving up in the City goes to the DDA which is clearly defined still within the confines of the City of Glenwood Springs; they are going to get that money anyway. The other entities are the only ones that lose. Noone would ever think that there would be any leveraging process for a new subdivision or a retail development by the City of Glenwood Springs needing to annex for critical services that the joining of the DDA would be part of that leveraging. Noone would ever think that would happen, but it could. Moreover, that would, as Walt mentioned, used as an example of the entire Wulfshon property and all of that development, and said he believes there is an annexation process in place for that at the present time. Should joining the DDA be a part of that process that would automatically entail that income and encompass that entire property? Moreover, should they want utilities that are critically needed for their operation that could be a condition of annexation that they become part of the DDA. This is an example of how new entities could be forced to join DDA.

Chairman Martin – Glenwood and the developer are entering into a metropolitan district to go ahead and answer that question.

Commissioner McCown reiterated that this would be an example of how new entities could force forceful leverage.

Bill Evans – to make that petition I mentioned?

Commissioner McCown – yes, all in one fell swoop.

Bill Evans agreed this was right.

Jean Martinsen – In the Resolution that the City is putting forth this week, any other additions to the District would have to come up through Council and through the public hearing process.

Commissioner McCown – It is hard to imagine the Council not wanting those to be a part of that District, because it is a win-win for the City. That money is going to be made available to those areas that are encompassed in the DDA that is in the City of Glenwood Springs.

David Hauter – In terms of a win – win for Glenwood, it is also a win – win for the County because this is a vision of a healthy vital community and that's got to have benefits the County. All the property taxes being talked about, the new construction property taxes, whatever those numbers, are a one-time only for a particular year. The property values for Garfield County are going to continue to go up. The real windfall is only in the year of the new construction.

Jean Martinsen – No, it continues for the 25 years. The new construction is added to the DDA.

David Hauter – Shannon Hurst estimates the first year is added to the million-dollar estimate, the next year is added to the million-dollar estimate, etc. It is also true that all the property taxes are going up. This is not factored into the figures as the County's taxes are going to increase at the same time.

Commissioner Stowe – Wouldn't it be better, as these progresses should the County because of the growth in the County and the nice economy going and we see a lot of extra money in our coffers, then perhaps the County has the opportunity to either 1) lower the taxes of the citizenry or 2) reinvest in the communities at their option as opposed to this tax which basically just robs money from one entity into another entity without any control by say, the Colorado Water Conservation District, Colorado Mountain College, and others are foregoing money for the improvement of Glenwood which is great, but is it fair? Are the taxpayers really getting what they think they voting for when they vote for a tax that goes to the County, they expect those funds to go to the County. Regardless of what you're siphoning off whether it's \$100,000 or \$2 million or \$10 million, nonetheless, you are siphoning money out of funds that the voters have basically voted to go to the County or to the Colorado Mountain College and they are not having a say in it. It borders almost on a verge of taxation without a representation type call. How do you justify that? How do you justify this to the voters?

David Hauter – The City of Glenwood is a little different than many other municipalities in that it is regional center of Garfield County and it is the County seat and the location of all governmental offices. It is at the confluence of transportation, rivers and so it has a unique place in the County.

Commissioner Stowe – yes, presently Glenwood Springs is the County seat, but there is nothing to stop the other municipalities from doing the same exact thing, it is all within their purview.

David Hauter – They do not have the impact from the fact that Glenwood is the County seat and that the bulk of employees in the County and other places live, work, and recreate here in Glenwood Springs. It's analogous to some extent to Washington, DC imagining the impact of the federal government in a city like Washington, DC and if there were no revenue received from the federal government they couldn't possible provide the – we have the County seat and having to provide services that they do. There is a significant impact on CMC and the County in Glenwood Springs in that these entities pay no taxes; it is also an investment. The difference may be that it is involuntary when you say taxpayers pay their money as I do to the County and we expect that to go to County services, there are times when you grab those funds and make grants to various entities that I may not like, but you do those things. Therefore, you spend money during the year on services that I may not particularly support. The difference here is that it is not a voluntary contribution on the part of this three-member board. When you look at the \$20 million dollar investment, by that time in the future, the County's revenues are going to be greatly different than they are today. Therefore, in looking at the percentage of investment that the City is asking from the County, to maintain the vitality of Glenwood Springs, the County seat, it is really not very much money.

Commissioner Stowe – The percentage goes up each year by your own figures and can grant you that the revenues of the County go up each year; but so does the demand of the services, our needs for our jail, our Sheriff, our needs for protection, needs for maintenance, services, county roads and when you have a rural population using the roads, roads deteriorate quicker and you need more roads, better roads, and more maintenance. So to say, this is a small percentage, yeah, it is but it is still County government.

Ed Green – The other important point to note is that this is not a numismatic progression; it is a geometric progression so that it accrues very rapidly.

Chairman Martin – The percentage of sales tax of increased revenues are only 50%. Why not 100%?

Jean Martinsen – A negotiation point, it was a decision we all arrived at, the Board and the Council.

David Hauter – Actually, the DDA asked for 100%. The City is already financing the operating cost, which is about \$100,000 a year so even if they had given us 100% it is less than they are already giving us. They are supporting this very strongly.

Jean Martinsen – And they are still responsible for repair of the infrastructure, roads, etc.

Chairman Martin – My next question that is the operations costs, that is going to have to come out of the general fund by statute, is not it.

Bill Evans – It is and at the last meeting that John attended, Teresa Williams has forgotten that and statute says that you may not operate funding out of the TIF however, the TIF can be used for indebtedness as well. If you look at that funding from the general fund as a loan, an advance to the DDA, then it creates indebtedness and through contract, we could use TIF to pay for our own operations. This has been done in Crested Butte. The only other way that operating would normally be a mill levy, a DDA is entitled to ask for a mill levy to fund operating, but they have committed not to ask for any new mills. The reliance was on tax increment financing at the time that this was advertised to the public.

Commissioner McCown – Back to the comment that Glenwood Springs is the County seat, it is being impacted by the County, and therefore we have to backfill it. A few years ago there was a tremendous outcry from by DDA and the City Council of Glenwood Springs when they thought there was the slightest possibility they were going to lose the jail, then it was the end of the world, we have to have that, it is key after 18 years of not wanting it. My reference to that because that was an entity of the County that we were going to relieve some impact on Glenwood Springs and they would not hear of it. So, I do not want to hear that the County is impacting Glenwood Springs. The City of Glenwood Springs is the County seat – that can be changed by a vote of the people. We are all seeing where the population base is going in Garfield County. We may have to subsidize New Castle, or we may have to be subsidizing Rifle, or Parachute in the next 30 years because they could be the County seat - it is controlled strictly by a vote of the people. Now, the TIF process was implemented by the vote of the people that allowed the DDA to form this area. The financing, everything was all in one mechanism that was brought before the people. Was the TIF explained in the ballot issue, how it was going to work at the time the people voted on the DDA?

Jean Martinsen – Here is the brochure.

Commissioner McCown – That was the explanation of how this was going to be funded.

Jean Martinsen – Right. The DDA will not ask for any new taxes but will request that a percentage of tax revenues from new developments be directed to projects benefiting downtown Glenwood Springs.

Bill Evans - In terms of the detail that it was, it would be almost incomprehensible for an electorate to understand how complex this thing is, however, what the statute says is that the voters create a DDA and what needs to be in the question, which was included, and the financing thereof according to Colorado Revised Statutes, etc. and that is where TIF exists. So once you approve the DDA you have said, okay, we are going to allow you to use the statute.

David Hauter – At the time this went before the election, he realized his lack of eliminate knowledge that the director, Bill Evans and Jean Martinsen now has, what we relied on was Council and Colorado Statute and precedent and after looking at several vehicles for preserving, protecting your downtown core, the DDA was the vehicle that was recommended that we should adopt. It was also recommended that the downtown plan be supported by City Council. After the legal formation of the DDA, that is when the real work began of understanding and looking into the future and still learning.

Commissioner McCown – If I'm a business person in downtown Glenwood Springs, and once this fund is established and there is money there available, can I come to you and ask for a grant or funding to help upgrade the front of my building to make it more appealing?

Bill Evans – As an individual?

Commissioner McCown – Yes.

Bill Evans – Yes, you could. In terms of speaking for the Board in terms of their policy today or in the future, but it is more likely that this would be done on a wider scale as opposed to an individual business owner, we would tend to say, it would be a concerted effort all along Grand Avenue. This is the way historically in relationship with Colorado Historical Society. They want to see a comprehensive effort in a town as opposed to one building at a time. We would go to the Colorado Historical Society, ask for a

million dollar grant with a match of a certain percentage, and then advertise it to the businesses available so we do everybody at once.

Commissioner McCown – So theoretically, the DDA would do the improvements to an entire block.

Bill Evans – We would be the granting entity and say we would cover half of what you were going to do with your façade renovation. However, Bill said he would not rule out if you were ready willing and able to do a façade renovation, and offered to pay half and the DDA pay half, that the DDA would certainly consider that – they could do it.

Commissioner McCown – Are those kinds of requests going to be prioritized with parking structures? And once the DDA is encumbered with major projects such as parking lots, parking structures, flower boxes, beautification of the downtown area, all of those things are not on the tax roles because they are public entities; so you have to weigh the balance of a business owner's façade at \$50,000 and a \$6 million parking structure. Where is your money going?

David Hauter – To bonding.

Commissioner McCown – It is going into the parking structure that is not on the tax roles. We are doing \$50,000 improvement to this guy's front of his store that may increase his evaluation 29%.

Jean Martinsen – What we would be doing is putting together the funding for a façade improvement program for all of the businesses downtown, go to the banks, get low interest loans, etc.

Commissioner McCown – Going back into public entities that are not on the tax roles, it may be improving the downtown core, but it is not improving the tax base for the City of Glenwood Springs of Garfield County.

David Hauter – Your point is well taken and in very forward looking. What we have found in these informative stages are issues and trade offs like that, they continue to percolate – this is part of being a brand new organization. Is it better to invest in terms of a priority – things that will significantly improve existing property values downtown as opposed to services. This is a trade off that the DDA will have to consider at every point of the way. At times, it is a losing proposing to spend money on a non-revenue generating project like a parking structure, but sometimes it is a service that you need even though you are not going to make any money out of it.

Commissioner Stowe – One final question, understanding the DDA's boundaries and you take this year's tax base and you go from there and then incremental revenue after that. Say you do expand the boundaries to include whatever – just two blocks. At that time, what tax base do you use? At the time of expansion, or is it retroactive to this years tax base if it were passed in 2001? The 2001 tax base or do you use the 12-months immediately before the area you are going to expand.

Bill Evans – The year they take it in so you would have a different tax base. If an area were included in 2002, then you would use the tax base for that property would be 2005. You would not back up.

Jesse Smith – As the accounting finance person, the opportunity has not be given to look at projections and impacts and analysis them – he added that he hadn't even reviewed Shannon Hurst's figures as that was something she directly provided to Bill Evans upon request. Those figures were ultra conservative and based on prior years, nothing looking forward. For example, Shannon did not look at the fact that Hotel Colorado has already approved a \$4 to \$5 million-expansion project, which would instantly blow her \$780,000 totally out of the water. Once the base year has been established, any growth in business activity or property values goes 100% to the TIF unless the City Council decides that it wants less, but it is their decision. This means that the growth and activity is not going to accrue to the County – the County's income becomes fixed at the time this goes into place, such that any inflation that the County has to absorb in the future is a compounded impact on the County. So it is not just the amount that is siphoned off to TIF, it is that amount plus all the compounded growth that hits the County. The impact on the County is much greater than what we are projecting. Also, if you take a look at what the TIF is for, the Statute says it is primarily for blighted areas. Blighted areas are generally defined as areas where the tax base has been declining for consecutive years. It also does allow for maintenance of income in an area. That is primarily where this is going to end because Glenwood is not a blighted area. However, if the Meadows come on line, there is going to be an impact on the downtown area. That's why Jesse said he believes that the Council will have no choice but to annex the Meadows and instantly because that is what's going to impact the downtown area and they're to going to have take revenue off of the Meadows in order subsidize loss of revenue in the downtown area. Now the City of Glenwood comes out whole in this because the City's going to have to take on projects whether the DDA exists or not and all the City won't do is simply move those projects from the City having to pay for them to the DDA paying for them. So there is no real financial impact on the City, the financial impact will be on the County clearly. Also, looking at bringing

the Meadows in, the Meadows if it is annexed in will come in as agricultural because that is what it is. So 100% of all of the growth on the Meadows will go to the DDA, but the employees that will be brought in to staff jobs that will be created are not going to live in Glenwood, they will live in the County so the County's going to incur 100% of the costs of maintaining those employees with absolutely no tax revenues, This is the point Jesse is maintaining. The impact on the County is far greater than anybody is even looking at this point and time.

Bill Evans responded that he did not know what else he could do to get estimates of value than ask the County Assessor. If her estimates are conservative, he does not have any control over that and did not try to rig any numbers. As far as the \$780,000 being low, even if the thing that's going to occur at Colorado Hotel, that will not be affected in the \$780,000 base year – this is a future year. That will not happen until the Assessor re-certifies. As far as not having seen the numbers, Shannon's numbers were available in October at the Workshop, which a number of County staff was present. The Workshops are given by Public Notice just as your meetings and the context of the Commissioners meetings are notified and assume it's up to those other people to see those notifications and attend if they have a subject they want to listen to. The County revenues being fixed, you still have the \$29 million in revenues. You do not get a 100% of those re-evaluations but it is not absolutely frozen. The issue of blight is just not true; if it took blight to establish a DDA then we would not even be talking about this. The City Attorney would not allow it.

Jesse Smith – it does allow for maintenance of the downtown area.

Bill Evans – The maintenance of the health of the downtown area so this implies that if a downtown area is healthy, a DDA can be used to maintain that health so that we are perfectly legitimate in doing this. As far as annexing Meadows, it's another straw man of a red herring – it is something that is being thrown into the debate that is not even on the table right now. This can be debated later when it occurs.

Jesse Smith – It makes sense for the City to give up sales tax to finance the TIF, but for the City to then arbitrarily decide that it's going to take property tax away from other taxing entities when those entities have no say in it whatsoever, I agree with Commissioner Stowe, this is taxation without representative.

Chairman Martin – This is a tough issue and has been. It has good results on some ends and sometimes it does not. The County is concerned; the College is very concerned as well with the same issues in speaking to them and the School District for a solution that we can propose to you.

Mildred Alsdorf requested a copy of Resolution that they plan to take to City Council on Thursday night.

Bill Evans stated he would have City Attorney Teresa Williams send it over to Mildred.

Jean Martinsen – Added that she has been a downtown manager in an area that was not declared blight for many years and it truly does work and did not stop growth in the County surrounding us. It just meant that we had some extra clout downtown.

COUNTY MANAGER UPDATE – ED GREEN

- **Anti-Terrorism Grant – Guy Meyer**

Guy Meyer mentioned he had written a grant in December 2001 when the State had some DOJ funds available that would buy the grant from the Counties and we are earmarked for 2002. Some Counties had dropped out of the process and the State commented to Guy that they were willing to put Garfield County into the loop; therefore, we got the grant funds of \$6,000 this year for the terrorism plan, he had written.

Guy said this was unanticipated funds; he would like to upgrade some of the equipment such as a laptop, printer, and two radios to bring this department back up to where he needs to be for emergencies.

Guy reported on the recent work session where they brought in the hospitals, municipal leaders, fire chiefs, police chiefs and had a healthy discussion on terrorism planning and some future activities to take place in the County.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown seconded to approve the designated expenditures as mentioned by Guy Meyers with the funds to come from the Terrorism Grant just recently received. Motion carried.

- **Sign WIC Contracts**

Ed Green presented the WIC contracts for the Department of Public Health, Change Order No. 3 to their existing contract with us and provides for an additional payment of fund in the amount of \$258,115 and requested authorization of the Chair to execute the document.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

- **Award Contract for West Garfield County Landfill – Tom Russell**

Tom Russell and Tim Arnett presented the proposed 2002 Engineering and Environmental Services for West Garfield County Landfill and recommended the Board award the Contract to Northwest Colorado Consultants, Inc. for the not to exceed price of \$32,000.

Tom said that Robert Peterson, Senior Geologist and Environmental Engineer has been doing environmental monitoring, financial assurance cost, trench drain design ongoing for Garfield County. He was doing this work while working for Montgomery Watson. Montgomery Watson has decided that all future work they do will have to exceed \$100,000. So, Mr. Peterson now works for Northwest Colorado Consultants, Inc. and by making this move he can keep working for Garfield County on project under \$100,000. After talking to Don DeFord and the Road and Bridge Department, it was decided to provide Mr. Peterson with a contract naming him as representative for Northwest Colorado Consultants, Inc. Garfield County Procurement Manual, Section 5-109 – Exceptions: states that some procurements by their very nature, do not lend themselves to competitive source selection. Licensed Professionals fall under this exception.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract to Northwest Colorado Consultants, Inc. for a not to exceed price of \$32,000 as explained by Tom Russell and Tim Arnett for the West Garfield County Landfill; motion carried.

- **Sole Source Purchase Request – Replacement Water Tank and Pump Unit 311 - Tom Russell**

Tom Russell and Tim Arnett presented a Sole-Source Purchase Request for the purchase of a 3,600 gallon replacement water tank and pump unit 311 from Hanson Equipment, Grand Junction, Colorado for the FOB Silt price of the unit at \$15,980.00.

Garfield County Procurement Manual, Section 5-109 states procurement may be awarded without competition when the Contract Administrator with the assistance from the Director of the using department, which for this acquisition will be Tom Russell and Jake Mall from the Road and Bridge Department does not lend themselves to competitive source selection.

Tom submitted a memorandum to the Board and Ed Green explaining the request and outlining both a time factor and the fact that a delay would result in application of both magnesium chloride and gravel projects. Tom stated they do have money in their budget, in the line item “unscheduled maintenance funds” and this expenditure will pretty well deplete those funds.

Commissioner McCown commented that this was a major slip-up for something as significant as this, when it was attempted to be welded, replacement of the water tank and pump should have been in the budget. Now you are coming in a depleting the maintenance budget. This defies the line item budget and emphasized that these repairs should be budgeted.

Tom agreed it was a slip-up and he accepted full responsibility

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the purchase of the exact replacement of the water tank and pump for Unit 311 from Hanson Equipment for \$15,980.00; motion carried.

- **Culvert for Road and Bridge – Tom Russell**

Tom Russell and Tim Arnett presented the request to award the bid for the yearly purchase of Culverts and Bands to Dodson Engineered Products for the total net price of \$20,468.32.

Tim Arnett explained the bidding process was placed in the newspapers and copies of IFB 10-02 were sent to two local culvert distributors. Dodson Engineer Products of Glenwood Springs bid price was \$20,468.32 and Grand Junction Pipe of Carbondale was \$21,472.55.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase of the various sizes of culverts and bands from Dodson Engineered Products for the total net price of \$20,468.32; motion carried.

- **Discussion regarding Colorado West Counseling Services**

Ed Green submitted a letter from Colorado West Counseling Services that identifies a plan for sharing the cost of the Detox Center. Garfield County is the first and only organization to actually remit payment and as a result, the cost distribution scheme results in a credit in our favor of \$1,304. However, the proposed agreement also provides that if any of the other participants fail to remit payment, that entity share the cost is distributed proportionally among the active participants. This happens to be just the County at this time. The remaining balance would be \$55,050 if we are the only ones contributing.

Commissioner McCown noted there was nothing in the procedures that would indicate that these people can keep coming and the active entities that are paying continue to pay. This is not the discussion we had with Michael Lucid. Therefore, the suggestion was made to get all players at the table.

Chairman Martin noted that the County was helping in an emergency and expected the other agencies to come up with some funds and they have not. He recommended having an IGA, as the County cannot absorb another \$55,000.

Commissioner McCown said the City of Rifle has indicated they cannot pay; and in looking at the situation, you have seven law enforcement commitments and nineteen residences for a total of 26 from Rifle and they have no ability to pay. How do we address those problems?

Ed will go back and talk to Michael informing him of the Commissioners input to have some perfection before they will sign the document.

- **Motor Vehicle Use - Motor Pool Change**

Ed mentioned that last week they reviewed some sections of the Motor Vehicle procedures and discovered there existed some inappropriate and antiquated language. The most notable one is that it provides a lot of latitude to people other than the Commissioners in authorizing the use of vehicles.

Tom Russell described how he wants to change the procedure. The Motor Pool Policy change was submitted and discussed. Tom stated the recommendation is that the Commissioners be the only authorized personnel to allow other than County employees to use a vehicle.

Discussion was held and Jesse mentioned the original policy said 'on official county business' was to cover such things as Social Services having to go out, pick up a child, and transport that child some place. That is construed to be official county business. Jesse further stated that in the past, before the establishment of the County Motor Pool, the Sheriff had a fleet of cars under his control so he had to be the one to control those vehicles. Now all vehicles are in the Motor Pool.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to change the policy to read "not permit persons not employed by the County to drive or ride in a County vehicle unless on official County business." Motion carried.

- **Silt Shop Appraisal**

Ed stated that last week, Tom, Jake, Marvin and he met with Craig Olson, the Silt Town Manager and at that meeting, and Craig expressed an interest in acquiring the existing Road and Bridge Shop as a replacement for their existing shops. It appears that it is time now for us to obtain an appraisal in order to establish a fair value for that facility.

Commissioner McCown commented he would support the appraisal but then offer it should be open to whomever. He said he did not have a problem to share the appraisal to Silt and if Silt wants to come up with a sole source first option, it would be the same as Glenwood Springs.

Don DeFord commented that this should be brought back to the Commissioners during a regular meeting in order for them to review it prior to releasing it to Silt.

Commissioner McCown made a motion to authorize the appraisal of the Silt shop and property.

Commissioner Stowe seconded; motion carried.

- **Frost Law Discussion**

Tom Russell explained the current frost law saying it is a temporary weight restriction that is posted on our roads that are suffering damage due to the frost coming out of the roads. It is usually temporary and it can be no longer than 90 days. One road, Mamm Creek, is a heavy hauled road and they are noticing damage being done to the uphill lane, therefore, he feels it is in the best interest of the County to shut the heavy traffic down until the frost comes out of the road. This one should be able to have the restriction removed sooner than some of the other roads such as CR 309. The roads are monitored daily and suggested taking them off as they can.

Don submitted the existing regulation established in the Resolution.

Jake commented that they have already added on a couple of roads - 319 road has 17 spots breaking out on it and the road was just resurfaced two years ago; the Airport Road has significant spots that will have to be dug out and brought back; CR 315 is a heavy hauled road and last year there were no problems and they kept it open, this year there is damage on uphill lane. On the gravel, they have a French drain that settles due to the frost coming out of the ground. This was a real expensive project that was completed four years ago and if we allow them to run other than when there is frost, there is a strong possibility of losing that French drain. The procedure is that those individuals who have a bond posted can run between midnight and 5:00 AM with an overweight permit. The gravel portion of CR 320 has been left open as it is on the shaded side of the river and is still frozen solid. Jake said he watches these roads on a daily basis and when the roads began to thaw, they place a restriction. The maximum amount of the bonds is \$500,000.

Commissioner McCown commented that with the research he's done, it is impossible with the to require a bond for this type of insurance. An individual who has one truck, such as for cattle, doesn't have the million dollars to finance the bond; 2) The problem as he sees it from Divide Creek to Parachute, only involves the concrete trucks with full loads; therefore we need to find a balance in this frost law to allow the Board to mitigate impacts or disallow specific loads to haul during the frost law season. For the guy

that is going to move say, a mobile home, he cannot meet the criteria we set; he has no ability to obtain that bond. Therefore, we leave them no option but to violate the law or sit idle for the full length of time. He said he wants the Board to come to an agreement to allow the operation of the examples he is given. Also, we must control the oil and gas rigs, but need some variations.

Jake mentioned the way the Resolution is written now; they cannot even allow an overweight permit without a bond in place.

Don DeFord commented that we would need a full review by the Department of Transportation and also would require a Public Hearing as set forth in the County's Resolution.

Public Comments:

Gary Rew offered public comment regarding the restrictions and how it affects the small companies who only have one truck. He is being penalized due to those companies that have multi-trucks and multi-loads. He has to move and he is not the only contractor who will violate the frost law restrictions. He inquired if it could be tied to the number of trips.

Don commented that the previous County Engineer became looking at that system; you cannot measure impact upon roads based upon weight of vehicles and number of vehicles. In the frost law situation, then you have an extraordinary situation and he was not sure how you could measure the damage because every road would have a different potential for failure.

Tom Russell mentioned that if we pull the frost law the road would resort back to the 80,000 pounds in most cases. At that point, no permit would be issued for that duration of time and in terms of staff's ability to accomplish this, the requests are not that many that they would not be able to work out a remedy. As long as the contractor realizes that we may have to do this between 9 AM and 5 PM, he did not think there would be that much disagreement. The problem has been the bonding requirement and this has hindered them from being flexible.

Commissioner Stowe suggested to post the frost law effective between 5 AM and 1:00 AM for the time being, and in the meantime address the other issues over the next 30 to 60 days. He thought there would be some possibility of obtaining some language in cooperation with C-DOT that will address the small operator, those who do not haul more than one time in a 48-hour period. If that can be arranged, then those small operators would not be subject to the frost law only the hours for hauling.

Don DeFord commented that it has to be equitable treatment for everyone. What we are talking about at this point may be that there would be some type of frost law in effect at night but you change the conditions for the restriction. The weight limit may go up but the number of trips goes down. The Road and Bridge Supervisor would still have the authority to restrict the use of the road under the current regulations. This would still be an issuance of a permit to control the numbers, raise the weight but not all the way to 80,000 pounds. At the end of the day, what Tom and his staff have to guard against is damage to the road and there has to be a way to mitigate.

Don DeFord suggested that the Board would need to revisit the permitting process during a Public Hearing and noted the time frame would need to be 30 to 45 days.

Public comment included the request to consider having the frost law lifted until a later time in the early morning hours in order to have daylight available to move their loads, concrete trucks and cattle loads. Further discussion included how to address this request for extended hours, wide loads such as mobile homes with the potential damage to sign, trees, and guardrail, proof of financial security on oversize/overweight loads and damage caused by concrete trucks. Ultimately, if Road and Bridge were to make a determination that there was no likelihood that specific loads would not cause damage to the road, then a permit could be issued.

Don DeFord mentioned the possibility of requiring the haulers to have proof of liability insurance as well that would cover any act of carelessness.

Tom Russell mentioned he is looking at restrictions and procedures involved with a frost law from other counties and suggested if there is a temporary method of getting through this particular frost period, then additional work can be arranged to clean in up for the future.

The Board suggested that the County engineers needed to be included in these discussions.

Don DeFord asked for a period of 30 days to meet and discuss future recommendations and get back to the Board.

County Employee – Lisa Pavlisick

Ed announced that Lisa had her baby, a 6 pound baby boy, and mother and baby are doing fine.

COUNTY ATTORNEY UPDATE – DON DEFORD

- **Consideration of Request of RE-2 School District – Peach Valley School Site**

Don DeFord noted the submittal to the Board on the letter from Tom Stuver on behalf of the Re-2 School District regarding the Peach Valley School Site. This is within the RE-2 School District's authority, we have a regulation on it, but against public entities we have not enforced it in the past. We do as to private schools or private structures but for cities, special districts especially fire and school districts, the procedure by Statute allows them to submit it to the Planning Commission, the Planning Commission comments and then the School District proceeds. He asked if the Board wanted to refer this.

Chairman Martin stated that he would like to include the statements from the six different citizens not to mention the other comments he had received in Rifle that have either been ignored or not acknowledged by the School Board. These are folks that have come together and said that no one is listening to them, please make our concerns public and so if the Board does not object, he would do that by forwarding the letters to the Planning Commission.

Mark Bean mentioned this has been reviewed before by the Planning Commission and the letter Chairman Martin was referring to was written in error in terms of noting the Conditional Use.

- **Discussion – Reapportionment Final Plan Adoption**

Don reported that the Colorado Supreme Court ignored our input and they commented on the lack of a plan not being submitted.

Commissioner McCown said, the comments included that Garfield County did not provide a better scenario; in 3-minutes we supposed to do that, or do they take written material into consideration and it is excluded from the 3-minute presentation.

Don stated we wrote to them on two occasions opposing what they were doing.

Chairman Martini added that the comments received back included that the County did not present a detailed plan on why we felt it was better to do something else.

Commissioner McCown said he was not aware of that being an option. Mildred Alsdorf stated the letter we sent to the Reapportionment Committee requested that they stay within precinct lines; they did not even stay within census lines.

Don noted that we did provide them with actual showing them of the precincts within the County and did reference the plan that left Garfield County whole for both the House and Senate Districts. The very first plan did have the County whole and was appropriate from our perspective. Other than that, we would have been required to present an entire statewide plan that would have left Garfield County whole as an alternative. Since they had already done that, it seems superfluous to go into it further.

Mildred called attention to the timeframe and the fact that we only received this on Friday afternoon and they needed by Monday, which was a holiday.

Commissioner McCown said we were the only rural County severed in the entire state.

Mildred said there are many counties out there where they drew their lines right through apartment houses and broke up different districts. What they did to the Clerks this year is unbelievable. Mildred said she did meet with the Committee everyday on the fact of looking at what we could do and Rob is working on maps at the present time. We received a disk from the Secretary of State on Friday afternoon. The Caucuses will be held on Tuesday, April 23 versus April 9. It also extends Mildred's timeframe to redraw the districts and notify the voters.

Don mentioned that the time frames were really impossible to work with on responses to the Supreme Court.

EXECUTIVE SESSION DISCUSSION – PENDING LITIGATION AND LEGAL ADVICE, AND A PERSONNEL ISSUE

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

Those requested to remain for the meeting included: Don DeFord, Ed Green, Jesse Smith, Mildred Alsdorf and the Commissioners.

Lisa Gunderfelder was requested to remain for the Personnel Issue.

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

COMMISSIONER REPORT

Commissioner Stowe – Russell George will be speaking at the Kiwanis Meeting at the Ramada Inn around 7 PM with dinner at 6:30 PM Wednesday night, March 6th. Thursday, March 7, Healthy Beginnings Board Meeting at noon; Colorado Oil and Gas are having a meeting/reception at the Glenwood Springs Recreation Center at 5:30 PM on Thursday, March 7; and the Republican Dinner – Lincoln Dinner, 6:00 PM Friday, March 8th.

Commissioner McCown – Thursday is the same as mentioned by Commissioner Stowe along with Associated Governments in Meeker on Thursday, Lincoln Day Dinner on Friday and on Saturday is the Parachute Chamber of Commerce dinner.

Chairman Martin – Library Board on February 27 and they are very pleased with the way things are going with Garfield County and thanked Jesse Smith and the Board for taking the appropriate action to making their lives so much easier. Colorado Film Festival is in Glenwood Springs on the 26th, which he attended and represented Garfield County and there is a Film Commission being formed within the Colorado Roaring Fork area to promote this area either good or bad for commercials or films. Library Board had an open house at the Rifle Library to show off the new curtains, the Roosevelt windows and their new sculpture. Workshop on Terrorism was held last Friday; a workshop on the NAACO Sonoma Grant given to Garfield County to look at everything from transportation to water shed issue. This will take place in Estes Park in April 2002. Grand Valley Citizens Alliance coming up March 6th 6:30 PM at Battlement Mesa Center. CCI on Friday, March 8th from 9:00 A.M. to 5:00 PM in Denver.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Resolution of Approval for a Conditional Use Permit for Gretchen and Stanislaw Wroblewski
- c. Sign Resolution of Approval for a Special Use Permit for Peter and Eileen Gilbert

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - c; carried.

Update on Bus Service between Rifle and Glenwood Springs – Dan Blankenship (RFTA)

Don DeFord, Dan Blankenship, Mike Davis, Dan Richardson, Deb Stewart, Dave Sturges, and Marlene Minnow were present.

Dan Blankenship, Executive Director of the Roaring Fork Transportation Authority announced that the bus service between Rifle, Silt, New Castle, and Glenwood Springs would start Monday, April 15. The recently completed Glenwood Springs Bus Maintenance Facility (GMF) will enable RETA to provide transit services in the I-70 and Highway 82 corridor made possible by construction of the GMF. RETA is currently finalizing the schedule, routes and fares for the I-70 corridor service.

Today, Dan and the others have come before the Board to not only provides the update but also to gain feedback about what is currently proposed. They said they would like to explore ways for Garfield County and RFTA to become partners in the development of improved transit services for the citizens of Garfield County.

Residents of Rifle, Silt, New Castle and Glenwood Springs have expressed considerable interest in the proposed new I-70 corridor service, and RFTA is confident that demand will be high. However, the initial level of service provided will be limited due to current funding constraints. In order to make the service as convenient and effective as possible, it is clear that the support Garfield County and other I-70 corridor communities will be essential.

Dan announced an Open House in Rifle set for Tuesday Night, March 5th.

The fares for the bus are set at \$1.00 in a zone addition of \$1.00 to another zone; fare from Rifle to Glenwood is \$4.00. They will offer discount on the passes, which will make it \$2.00 per trip. The fare from Rifle to Aspen will be \$10.00

Chairman Martin and Commissioner Stowe will be attending the RFTA meetings and the door is open to further participation.

Communication System between the Traveler and the RFTA Bus

Deb Stewart mentioned they would coordinate times with the Traveler for the senior citizen population. Currently the Travel charges \$5.00 round trip but it is also based on a volunteer paying system. She said they will be cooperative in adjusting some places of pick-ups.

Dan felt the service would be starting with a rider ship from Glenwood to Rifle. He noted also that these schedule times includes weekends as well. The schedule works with the Sunlight bus and with the bus schedules for the other local bus service. They will start with a 42-passenger bus.

Jesse Smith commented that the County may have to change work times in order to have the employees be able to participate with the schedules. The bus would leave Glenwood Springs at 5:05 PM, which would mean the employee would need to leave at 4:50 PM.

The Board felt that some adjustments could be worked out.

City Councilman Dan Richardson commented that people want this service – it helps Glenwood as much as the other areas. He elaborated on some of the current RFTA inefficiencies such as the difficulties in schedules, high fares, and voiced the need for Garfield County to come participate on the Board. He also recognized the need the down valley representation. For the immediate future, they are looking into a parking management plan with paid parking. RFTA can help traffic congestion and parking problem as well. He said they must operate the service and show there is a demand for the service; then they would be in a position to sit down with the communities to see the benefits and possibly negotiate.

DISCUSSION - PETITION FOR ANNEXATION - GLENWOOD MEADOWS/WULFSOHN

Mildred Alsdorf mentioned she brought this to Don DeFord's attention since it was a notice of a hearing that was sent to her certified for the Commissioners. Don was not sure what direction the Board wanted to go, whether to give this to Mark Bean. It is a notice of a hearing on March 21st on Glenwood Meadows for the annexation of the City.

Don said he shows that this was addressed to Chairman Martin, copied to me, mailed on the 27th of February and it is their annexation impact report. The only question is how does the Board want to handle this procedurally.

Chairman Martin – felt that each Commissioner should review this document, as well as the Planning Department, and formula opinions. On page 7, the creation of the Metropolitan District. It is in this document and he says that they will share equally in all tax savings, revenue, etc., which means that it almost, guarantees the annexation of that into the Downtown Development District. He encouraged each one to read the document carefully.

Don summarized those that would be reviewing and formulating opinions – Shannon Hurst, Jesse Smith, Mark Bean, the three Commissioners and he.

This is scheduled in front of City Council on March 21, 2002.

Commissioner McCown mentioned since the Commissioners would not meet March 18, that action should take place on March 11th.

Jesse Smith – The DDA is meeting this coming Thursday, by Resolution, to request that property tax be included in the TIF. The last Resolution they looked at a week ago only included city sales tax. The DDA is coming back requesting that this be expanded to include property taxes. Therefore, this dove tails right into this.

It was agreed to set this as an agenda item for March 11.

Jesse Smith – they are going to set it up where it includes property tax, it makes this extremely significant because this will come in with an agricultural base, which means 100% of all the development and improvements is going to go straight to the TIF and that probably will more than double the existing tax base.

Chairman Martin said there is an estimate of 475 homes on what is planned for Wulfshon plus the commercial development 1,700,000 sq. ft.

Commissioner McCown – it was a common courtesy that they came here, and there is nothing we can do about it.

Chairman Martin did not agree it was a done deal; City Council can make their adjustments as they are in control and they can determine how it is fair. If they want to commit 100% of the city sales tax and their mill levy growth within that district for themselves or create a mill levy, they need to know that is what they are up against.

Commissioner McCown – it is a win-win for the City.

Jesse Smith added that there are three members of the council that felt this was taxation without representation; that the City should only encumber it on sales tax. Two council members were silent on the issue.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

A group of six residents opposing the site of the proposed new high school in Peach Valley came before the Board. A copy of a letter written by Gary Hines was presented to the Commissioners and read into the record.

Chairman Martin recognized that this was an agenda item and informed the residents they would need to wait until that part of the agenda is to be heard.

REQUEST FOR APPROVAL - AIRPORT AGREEMENT WITH RIFLE AND BOB HOWARD

Mark Bean, Don DeFord, Bob Howard - Principal Bill Sappington, and Rifle City Attorney Jim Neu were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Ed gave the report that included Randy Withee had met with Bill Sappington discussions had taken place regarding the County Road 319 where Rifle left off. They discussed concerns and in order to do a total determination, it was evident that a traffic study needed to be done. The County's original intent was to just improve the road due to oil and gas traffic.

Rifle would like to see two – twelve foot lanes with eight-foot shoulders on both the local and/or collector road.

Bill Sappington stated they did not have the road design criteria but that the City needs to make sure that road is built for future expansion.

Bob Howard provided a history of the road in question and mentioned his concern as the property owner and developer of his land. He felt there would be a tremendous impact on interior roads and mentioned that the current County road was at a substandard rating. Bob voiced a need for three lanes that would include a turning lane in the middle to help keeping traffic moving. Funding for this road upgrade was discussed with the potential of receiving energy impact funding from Department of Local Affairs. A strong support was voiced to have this road built to the City of Rifle's road standards. The real issue is what can we do presently just short of having a final agreement, and get in the loop for an Energy Impact Grant in the next round. His understanding of what is required to put forth a proposal does not include having full precise design standards to get underway with the grant. Bob's idea was to proceed with the Energy Impact Grant just stating we are going to build a suitable road, a couple of months from now we'll get input from the traffic study and all during that period, Don and Bob will be working on this agreement and at some point over the next several months come to a final agreement.

Commissioner McCown – we could enter into an agreement much the County did with the City of Glenwood when we were looking at a T-Intersection and they were looking at a Roundabout. We can design this roadway to our standards, which is clearly is a County Road and will remain that until which time it is annexed. They would pay for any upgrades or additions that the City of Rifle would require for this road at the time of construction.

Bob said that 30 acres has a pretty substantial value and he agreed early on in this process, that this 30 acres would basically paid for off-site improvement from our property from the bottom all the way down to where the road is improved today. Bob's goal is to have a road built, that when he begins developing, he does not have to worry about that road anymore. He can spend money on all of the interior roads, which he will not be asking the County for any assistance. The problem in this discussion is that we are not sure what that should be. He said he was hearing that it almost did not matter what it was going to be, two lanes and some shoulders is all we can do. However, at some point, we have to sit down and say, this is the value that I am giving you – now let us balance.

Commissioner McCown said he was even hearing different. Lane widths, I'm hearing 2-lanes and gravel shoulders which would meet County standards and here I'm hearing 36' of asphalt which with the simple swoop of a striping machine you've got your third lane going up that hill – 3 – 12' driving lanes. From our engineer I'm hearing 2 – 12' lanes with 8' gravel shoulders and from Bill I'm hearing 2 – 12' lanes with paved 6' paved shoulders on each side which brings back to that magic number of 36' of pavement when you could come back, once the City annexed, put your 2' gravel shoulders on there, re-strip it and you've got your third lane.

Bob Howard – I have been told that the center turning lane is not particularly effective, but with additional shoulders they could become excel and decel lanes.

Bill Sampleton – Larry, you said the City would build the additional lanes in the future when it is annexed.

Commissioner McCown – No, I said if we build them now and there was a need for the improvements to meet the City's standards, and it would be their obligation to come up with that money, much like the City of Glenwood Springs committed to coming up with the difference between a Roundabout and a T-Intersection.

Bill Sappington – we are talking development that these parcels will have to annex into the City to develop. When they do, the City will say, please show us the traffic study and the design for this roadway, you need to meet City standards, developer you need to fund the improvement of the road. The City does not have any funds to fund development and it will not happen.

Commissioners McCown – and this would be another one of those situations where the water and sewer that was paid for through the expansion of the Airport Improvement would not be available to the developer unless they annexed. Kind of like the West Rifle water line. This is another example of that.

Bob – there is no question that we can't develop without annexation so and there have been a number of agreements of the past 10 years that have contemplated that so, when we bought the property 5 years ago we understand we would have to annex.

Commissioner McCown – But now it is down to whether the developer pays for the road, or the County. The City is clearly not.

Bill Sappington – The City is contributing.

Randy Withee – we have it now, we design it and build it to 2 - 12-foot lanes paved and the base under the shoulders, 8' base up to the standard so eventually somewhere you can just dig that base off and pave it, so I would say that would be the difference the developer would end up paying.

Bob – I hope at the end of this discussion that we can just recognize that there is a structure to work out and that staff can do it and come back however many times we need, but stay on the track of this Energy Impact Grant. If we apply and do not come to terms, we just do not use it, but I have a feeling we will come to terms. Bob said he is trading land for road improvements for his land. When I initially started, I was thinking of 10 acres toward the east, and finally we got into the very prime 30 acres adjacent to the Airport because that is what Kenny pointed out that he would prefer. I said okay, but what I need in exchange for that, I need a road that serves my development.

Ed – the 1st phase, it sounds like maybe we are all in agreement and a 2-lane road may be appropriate for the first phase.

Bill – the 1st phase starts at the existing improvements, which is all in the City. We have a 36' wide roadway there, and we have assumed that we are continuing 36' all the way to the Y, which includes at least 800' currently of County road, to the bottom of the road, and the City chipping in \$200,000 for that area.

Ed – Can we agree on that as a concept? Sounds like 3-lanes to the Y and then two lanes up the hill.

Commissioners McCown – From the Y up the hill it's one mile and 2/10's.

Bob said a portion of their project will have 100% of the turning movements and it would make sense to neck up and neck down depending on the turning for instance coming up the bottom of the hill with 2-lanes and then getting to West Mann where real activity starts and from there to about your County property having 3-lanes to allow for that turning activity which is about one mile and then it would be neck down to 2-lanes going down.

Commissioner McCown – yes that is what I perceived initially. There would be a minimal 3 possible accesses, 2-lane paved, gravel shoulders, get to the top of West Mamm Creek, go back out into 3-lanes and I had envisioned going all the way to the east boundary of the Garfield County property. Then at that point, back down to a 2-lane, gravel shoulders off the hill.

Bob – then we are a little more sync than I thought. Since last meeting, that is how I have been thinking about it.

Bill – said he understood but has to point out that this is a deal between the Airport Land Partners and the County; the City is not involved in that aspect. There is definitely a value in the trade of what they are doing, but when they annex for development, the City will say, please show us the traffic study. Then we will have a requirement for road building at that time. Which is funded by the developer, and so he has got some values in there that he needs to work out with the County.

Commissioner McCown – the City is not going to enter into this initial agreement.

Bob – Bill and I haven't discussed this point, and that is as we get the standard nailed down, I want to have a discussion with the City where a lot of this will come out of your transportation plan where you will in advance in this agreement recognize that this standard is suitable for my development. That is all negotiable to us. This is the whole concept here, the County gets land that you presumably want for the Airport and I get a road that I don't have to anything else to until there is tremendous development up there, and then at some point that road does have to be probably 4-lane or you know what it would need to be.

Bill – said he was very glad to see this go forward and agreed that we need to get this energy impact grant.

Don DeFord – asked the question and said that he was hearing things different than before in terms of what kind agreement we are supposed to be doing, but if we go forward with some type of a concept with DOLA and then do not reach an agreement, where are we with them?

Ed – it depends upon whether we have received the grant or not. If we do receive the grant, then we have to go forward. April is when we submit the grant, the presentation will be in May and it's probably July before they will award.

Bob said we will know before then if we are dead or alive on this thing.

Don - His anticipation is, at any stage that the DOLA grant does not meet the minimum levels, that the parties can terminate the agreement completely, but based on some of the discussions today, he's still hearing that there are variances that could create significant cost differences. And one of his concerns in trying to push this forward with the Board for some decisions is that they need to make a decision about whether this is a project over the next five years that fits into their capital improvement plan and that they can fund. The variances could be significant here in terms of price; also, as he expressed at least once, there is a concern with the phasing. Bob's been pretty insistent with the first phase to get roughly to the entrance to the Airport but because of the length of that phase, it leaves us with a 3rd phase that may be problematic for DOLA funding, because it's so short. [The road that goes to the east end of the property off Mamm Creek.] Don clarified saying that his understanding of the funding of this was that it was anticipated to be a 3-Phase Project with 3-applications to DOLA for approximately the same amount. If we are limited to about \$600,000 for each application, then the 3rd phase also has to have enough cost in it that we can justify a \$600,000 grant.

Ed said it was conceivable that we could use some of the FAA money to deal with the 3rd phase because it necessitates an Airport runway expansion.

Chairman Martin clarified that he was talking about a realignment of that road anyway for safety purposes. Bob suggested another way to solve it is to once we get into some additional engineering, it to adjust the phases. Phase I really comes up to West Mamm Creek Road; and if necessary the 2nd phase could be from West Mamm Creek Road to existing west edge of the existing County property.

Don, but those are significant decisions, since County has to pay the difference whatever grant we get and the cost of the project, we need to make those decisions and get on with it quickly. We cannot put this off into the summer.

Commissioner McCown - and we know the only cash commitment that the City of Rifle is making is in the first section through their existing Industrial Park, which we committed to the first time.

Don said the other things that he anticipated for instance and Bob mentioned to the Board where he was on future improvements; he thought it was going to be your commitment to improvements for those County roads even subsequent to annexation and Rifle's not on that page right now.

Bob - this is pretty much the commitment but he has to convince Bill and Rifle, and it may require some commitment from me sometime in the future, but again, we will work that out.

Don - but part of this significant aspect of this for the County is that Rifle will annex these roads - that is important to the County that this be part of the City of Rifle and not just left in the County. Also, the acquisition of right of way - you and Rifle are committed to acquire right of way for all three phases.

Bob - I am the right of way, actually the existing County road's legal description is already a 100 ft. right of way. But, on his property there will never be an issue of right of way but didn't know if there was any right of way issues from the bottom of this road west. Has there been any talk about straightening out that bend at the west end at bottom of the hill right at the Y?

Jeff Nelson - there are actually two places that are being looked at to straighten one at the Y and one at curve - 95% is on Bob's property.

Commissioner McCown - Snyder is willing to negotiate the right of way and provide material providing the City allows it.

Bob recognized Don's concerns and said he would like to suggest that we spend the next two weeks doing what we did this last time, solving some of these issues, but hopefully you guys keep on the tract for the grant.

Commissioner McCown - no problem with proceeding with the information they've been given on Phase 1 and proceeding with the design, right of way requirements, etc. and but at this point we can talk informally in theory about Phase 2 and Phase 3 but we need to see what Phase 1 turns out like before we look any further.

Ed added that he would like it to be flushed out before the presentation in May.

Don suggested to have additional meetings with Bob and staff over the next two weeks and bring it back to the Board on 3/25/01.

Commissioner McCown said the Board could probably take action on just a report from the engineering staff and Ed as to where they have reached with negotiations.

Ed said the application needs to be filed by April 1st.

Don - the Board also need to authorize application with DOLA at that point.

Commissioner McCown summarized that they will move forward with the current design from where the improvement stop presently to the Y Intersection and then from that point up to the West Mamm Intersection with the 2-12' driving lanes and 8' gravel shoulders.

Bob said he would continue to talk to City of Rifle.

REQUEST FOR APPROVAL MAHAN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATION: APPROXIMATELY 4.5 MILES SOUTH OF GLENWOOD SPRINGS, OFF COUNTY ROAD 126. APPLICANT: JAMES P. MAHAN

Don DeFord, Kit Lyon, and Charlie Willman, attorney for the Mahan's and James and Roberta Mahan were also present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits: Exhibit A – Proof of Publication; Exhibit B – Proof of Publication; Exhibit C – Application with Attachment; Exhibit D – Project Information and Staff Comments Exhibit E – Garfield County Zoning Resolution; Exhibit F – Garfield County Subdivision Regulations Exhibit G – Letter from Mr. Mahan; Exhibit H – Letter from Dennis Hines and Kathy Harris Exhibit I – Application page 31 – Copy of District Water Court; and Exhibit J – E-mail – Dennis Hines received 3/4/02

Chairman Martin entered exhibits A - J into the record.

This is a request for an exemption from the definition of subdivision for James Mahan on a 20.0-acre parcel of land located approximately five miles south of Glenwood Springs off County Road 126. The applicant is proposing to split a 20-acre tract of land into two parcels of approximately, 14.0 and 6.0 acres each. The split of the property would be along County Road 126. It is proposed to share a well as the domestic water for the parcels to be created. The 14.0-acre tract would have the existing house with the arts and crafts studio on it. The 6.0-acre parcel would have the guesthouse on it and various sheds.

Read page 4 "Proof of legal and adequate source of domestic water for each lot created. Proof of a legal supply shall be an approved substitute water supply plan contract or augmentation plan, an approved well permit or legally adjudicated.

Staff continued to review the major issues and concerns, suggested findings, and the following recommendation:

Staff recommends DENIAL due to the inability to make a finding of compliance with the criteria contained in Section 8:42 (D), an approved legal supply of water and a question as to whether the applicant meets Section 8:52 criteria for the split by a "public right-of-way", of the Garfield County Subdivision Regulations.

Applicant James Mahan along with his wife Roberta, submitted a water agreement from the State and pointed on in the 3rd paragraph down, the 5th sentence, says "until recently this right has been used to serve two dwellings, not just one." So it has served my guest house which is across the street which was built in 1936 and my regular house which was built in 1936. And he pointed out the paragraph above this one, starts out "Flannery Reservoir was decreed in 89-CW259 and it says, "The use of the reservoir and Four Mile drainage was limited in 99-CW141. This submitted use included domestic, irrigation, and augmentation on the subject 20 acre parcel." So I have already been given an augmentation plan, it has just not been filled out exactly what I need. But I was awarded it in case number 99 and, Mr. Whitehead is back there and he can concur with this, Flannery Reservoir has adequate storage reserves for this plan. And not, I would like to point out that West Divide is a temporary water supply plan. Every time you approve any water right in West Divide, it's on a year to year, exactly what I'm getting here and you approve and have approved whole subdivisions using West Divide. And at this point I'd like to pass out one other thing that I haven't been able to be pass out, if you don't mind. I have plenty of copies.

Chairman Martin – We need to make that an Exhibit too, Jim - Exhibit K. Go a head and identify the exhibit, Jim, if you will.

Jim Mahan – In this exhibit, this is a letter from Wright Engineering Company, Bill Lorah addressed to Russell George and Scott Balcomb, "caution, a West Divide contract for augmentation exchange does not guarantee a physical supply at the point of diversion of the contractor, nor does this plan ensure that a delayed return flow issue will not be raised by a third party objector. Three, nor will it guarantee there will not be a time when a junior calling right may prevent an upstream contract holder from being called out." Now that is really a temporary supply plan. In other words, you can have a West Divide contract and have your water shut off. Now, my water is a trans basin diversion. I am taking water out of 3-Mile and bringing

it to 4-Mile. When I do that, this is virgin water. Every drop I bring over can never be called out. It is a number one water right on 4-Mile. So therefore you will find no caution on my water rights, two, when you get a contract from West Divide, you rent your water. So West Divide is basically a rent-your-water company. My water rights, you own if forever. So if we are going to compare water rights, there is not even a comparison here. It is a rent-a-water company and by the way, as you know, I do not have to tell you, West Divide is getting more and more in danger because of the Federal Minimum Stream Flow and the Endangered Species Act. They are cutting them back more and more and more. And when finally that this paper water that West Divide is really paper water because they basically get their contracts out of Ruedi Reservoir, and Remount Reservoir, when they're shut off, I don't know what these people are going to do. But that is a whole nother issue. You rent water from West Divide on a year to year – you cannot get anymore temporary than that, sir. It is a year-to-year on theirs. So I have already been awarded my augmentation plan which Mr. Whitehead can verify and which this letter verifies – it's just a matter I have to put it in a format saying how much I want. Now I am doing a direct exchange with them on a one-to-one basis. So I am almost giving them four acre foot. By using the deletion method I do not want to use it by the acre-foot, so it behooves me to go ahead and get a permanent supply plan, this is just a temporary thing for the moment. I promise you I will be getting a permanent plan. So I cannot even see the difference and if that is what staff's turned him down for, I think I have answered the questions. As far as the County Road, all I can say is if it walks like a duck, talks like a duck and swims like a duck, it is a duck. My address I use is CR 126. Your stationary says it is 126; you all have done a fantastic job, it is a better road than Four Mile. And you all spent a lot of money, now if you don't want to call it a County Road, I can not do anything about it, but I know when you compare my water to West Divide, there's not even – that's paper water, mine's wet, you can get wet in it, you can drink it, you can do anything you want to with it. It is not a paper finial. Thank you very much.

Chairman Martin – any questions of Mr. Mahan? At this time, we would also like to see if there is anyone in the audience who would like to make any comment on this issue. If you would come forward. And you gave us a handout earlier.

Chairman Martin – Okay and we marked that Exhibit J. So this is an e-mail.

From Dennis Hines. My name is *Kathy Harris* and I live a 0987 Black Diamond Mine and Mr. Hines lives at 0897 Black Diamond Mine Road and we're both adjoining property owners. Mr. Hines asked if I could read this, since you just received it and with your permission.

Chairman Martin – You will go ahead.

Kathy Harris – I will do that. “Sir, Urgent matters have kept me from attendance at this Monday's hearing on the Mahan exemption request.

In the letter that Dennis Hines wrote and Kathy Harris read into the record included the submittal of three points, (Exhibit G): 1) Aware that the County is not in the covenant enforcing business, however, they mirror the County's regulations for the use of the land in question. 2) Water resources are in the name of a Corporation that Jim and his brother William operate as corporation heads; Jim's attitude with Building & Planning. And, 3) the attempt to have a mediator without success, Jim is scrambling to come into compliance with what the county required of him four years ago, and ended with the summary stating that a recent water court reduced Jim's 20 acres to 1.0 cfm or half of what his original temporary permit had allowed. Therefore, Harris and Hines would prefer a rejection of the exemption request, on the basis of Mr. Mahan's past and likely future behavior, and felt a tabling of the request pending further examination would be appropriate also.

Kathy Harris – I have added some things of my own to add. Dennis Hines and Kathy Harris wrote a letter which is in the file that states numerous non-compliance issues that the two of us have had with Mr. Mahan over a long period of time and she thought those should be noted; and I won't go back through them because they are in the records - Exhibit H. What we have pointed out is that there are possible inhabitable units on his property as it is now, where only two are allowed.

Chairman Martin – That is pointed out in the Exhibit H, is that correct, the letter that you are referring to?

Kathy Harris – Correct. Also there is an extreme scarcity and the quality of water is poor. I can attest to that, I've lived on that hill, on Black Diamond Mine for twenty-five years, and I am on a daily basis going to my holding tank and changing the filter to assure that I will get water everyday in my home. So that is something that I am living with and it is a concern for all of us, of course. And then the leach is also a concern too. If we were to increase any more dwellings on the hill. The road is steep and narrow and although we do appreciate how much better how much better it is with the County maintaining it, it does bottleneck when it gets to Mahan's property and it's really, that is even a bigger problem because they

do not provide parking for their renters and they have renters in all of these units and it creates a bottleneck which is a dangerous situation. And with children living in the homes and with dogs running at large, we did have an accident last summer. A dog was killed right at that location. Also, they were out of time. Their part-time residents, as we are full time and they were out of town and left their properties in the care, property and the units, in the care of their renters. And, the place becomes very unkempt during that time and one of their renters was quite offensive and made a large three or four foot sign telling us to "slow fucking down" written in paint and posted it on their fence post. This is a neighborhood, we have children, they are driving past these signs, and that is a concern to us as well. Also, one of their renters dug a trench in the road, which is questionably a County Road or not, but they dug a trench to slow people down and it was so deep that my front wheels went down and could not come back out. It had to be lifted out by two men. Okay, these are the things that we are living with the Mahan's as our neighbors and it is very, very frustrating. And so, to let them divide their land and then put in more dwellings across the road and to be in non-compliance is something that we fear. I would just ask you to reject the request for an exemption for subdivision, but at the very least require more study in the water and the road and some of the issues that have become a real problem for the neighbors that live in the area.

Chairman Martin – Questions of Ms. Harris? All right, that you very much Kathy. Anything else that you want to add?

Kathy Harris – I don't think so, well of course, you know, the hill is fragile, the natural resources are a concern to us but, no I don't think so, I just really hope that you make an intelligent decision.

Chairman Martin – Thank you very much. Anyone else in the audience who would like to make any comment on the application?

Mark Bean – Dwight, could you come up and address the issue of the permit as it presently stands?

Dwight Whitehead - State of Colorado Division of Water Resources in Glenwood Springs. Currently I just see there has been a temporary exchange approved as of February 28, as long as all the conditions are met as far as the applicant responds and accepts the conditions within twenty-days. And I think in number one, the key issues, the last sentence is: plan is temporary in nature basically but it shall be valid for one year unless otherwise revoked or modified. And in number twelve, it talks about the exchange may be revoked or modified at any time if it's determined that the injury of other vested water rights hazard will occur as the result of the operation of this plan. Mr. Mahan is correct, the court decrees are there, the twenty-acre parcel is identified in the 1999 case, but he does have to go in and quantify basically and decree through court a plan of augmentation to legalize the proposed uses. There had been a well permit application submitted, to date this has not been approval as of yet. And basically that approval will be hinged on two issues: one would be a variance request basically showing plans and specifications which has been submitted and that has not been approved as of yet. The other thing with the well permits, since it is going to service more than an individual residential site and per the exchange, they will have to address six-hundred-foot spacing from well to well. So I would be happy to answer any question, and I guess in regards to the Exhibit of West Divide. The major of West Divide, they have a map identified which I call area A, area B that I am sure you all are familiar with. It is very similar to Basalt Water Conservancy District. Area A is pretty much that there no intervening water rights that would be affected if we were to issue a well permit or that would affect our cameo call mirror, Grand Junction, the government highline. GVIC and Orchard Mesa basically. West Divide did go to court and they did do a plan of augmentation up on Four Mile. I haven't looked at that case for a while but I believe they had a long term lease from the number one right, the Four Mile Ditch – John and Wince Bershenyi and I think it was for one tenth of a cubic foot per second, so that is also in substitute supply plans specifically for the Four Mile Drainage.

Commissioner McCown – On these well permits that have not been approved, when were they submitted?

Dwight Whitehead – I believe February 20th, and then the request for the variance was also February 20th, and I believe the request for the exchange was submitted at that same time.

James Mahan – And Dwight, at that time you were not available and could not issue the well permit.

Dwight Whitehead – That is correct, I had a family emergency. But again, we cannot guarantee that we will issue, they do have to meet the statutory requirements, six-hundred spacing and then again the variance issues.

James Mahan – for the same well, this was a spring that basically adjudicated basically in 1941. I have the only good well in the area, everybody's else well is pretty bad, but my additional property which and everything else lots, tracks came out of here, so when the people that had the coal mine first came there, this is truly because this is where the spring is and I actually have the best water.

Dwight Whitehead – I guess one thing, just food for thought, and I do not Jim, it was brought to discussion in our office, but potential if Garfield County did approve an Exemption, exempt from a subdivision exemption, most commonly we do issue individual exempt household use only well permits. A lot of times we'll see that in Grand County, they'll approve it conditionally, submit a plat to us and then the applications get going. But then we would issue the permit approved on that conditional approval by the County so that may be another option, there would be extra expense or what-have-you, but it may be another option for you.

Don DeFord – Mr. Chairman, I have a question for Dwight and maybe it is for the Mahan's too, but let me start with Dwight. Just looking at the 1989 decree, and I only have part of it, but at paragraph two, it seems to limit the use of the water out of the Flannery Reservoir just to irrigation and fire protection uses. Does that have to be changed to accommodate the...?

Jim Mahan – I have every decree that I have received; I think I have something like twelve uses. But what the problem was is they said I was circulating then and this was before I was involved. I think they reduced me from two cfs to one cfs cause, that's about all the water I can bring down, but I was given every decree, I still have four-hundred-forty-acre foot that was to me and my brother, so a lot of those letters, my wife wants to address a lot of that. But no, sir, in 99-CW41 that amendment for my twenty acres included domestic, irrigation, and augmentation for my twenty-acre parcel. Anything else I bring down and I see, I can sell anything that I was decreed in almost many different things I was decreed from snowmaking on. I can actually sell it; I just have to go through the court.

Don DeFord – Just going back for a moment to the current well permit which the indication I have heard is that that may be temporary. That this paragraph seems to limit that water, the one cfs and I'm really reading from it, it says "for the watering of livestock being pastured in the twenty acres, fire protection, and irrigation."

Dwight Whitehead – I do not have that agreement with me Don, but I am pretty confident that it is identified at least in the letter where it says that it was decreed for that. We could revisit it and look at that.

Don DeFord – Does this decree have to be modified then to account for a residential use for domestic uses?

Dwight Whitehead – No, I think what happened, the original 1989 case went in and decreed some activity with Flannery Reservoir and siphon, etc. But then it was revisited basically in the 1999 CW141 Case, and they basically quantified it. And yeah Don, I would have to look but I was pretty sure the last I had seen was it did identify domestic irrigation and augmentation specifically limited to the twenty acres though. I think there was a note there in that paragraph; it said something in regards to be used on the twenty acres.

Don DeFord – That is what I was reading, paragraph two of the stipulation that was incorporated in the 1999.

Dwight Whitehead – That a stipulation?

Don DeFord – Yes.

Dwight Whitehead – I think we need to verify that with the stipulation because that may have just been coming out of the decree. What does that decree show?

Don DeFord – Well, this is all I have Dwight.

Dwight Whitehead – And I think we can look at that and revisit it.

Don DeFord – All I had was this decree and then four of the stipulations.

Dwight Whitehead – There was a stipulation. And I suppose maybe the applicant should provide the entire decree, you know be available through our office and downstairs through water court. But I think the part at least that I had seen and the discussions in our office that they did have the irrigation and domestic, but if not, again they are going to have to revisit it anyway through water court with a plan for augmentation. So I think at that point...

Don DeFord – They have to do that within a year or two to finalize the permit.

Dwight Whitehead – Again, we have not issued the well permit yet, so there are several different things – there's the well permit for the shell of a non-conventional three-foot gallery well basically, and this is basically just the exchange saying okay, you're going to rob Peter to pay Paul. That kind of one for one kind of thing that's he's doing to divert, I think it said, 3.37 cfs or acre foot I should say and that he'll release the same in addition to life time depletions and trans at loss. And I think they are identifying trans at loss at two percent but I think later it said it could be reevaluated or determined by the water commissioner. So yes, I think we need to look at that stipulation and I would think that you would probably want to have the entire decree and stipulation for your review.

Don DeFord – Yes, I would.

Chairman Martin – Ms. Mahan, I believe you said you had a complete copy of the decree, would you like to submit that and also make copies so that can be a subject for review. Other questions?

Commissioner McCown – I think I need to ask our counselor a question, at what point does the applicant exercise the option to ask for a continuance in this.

Don DeFord – That is really up to them to decide when they want to do that. We have had them start hearings as you know and then at another point where they needed to amplify or turn in evidence that was not complete, they have asked for it at the end of the hearing.

Commissioner McCown – I personally feel like we have almost gone beyond that point and I have not heard anything in result. We're piecemealing this together as we go without any definitive answers to anything and you know, given the statement by the applicant's attorney, I'm not sure they've shouldn't have exercised that right early on in this application, but have not chosen to even at this point.

Don DeFord – Of course, the Board can also continue the matter to....

Chairman Martin – I think the two issues that the staff brought up, and that was the water decree and the road issue and they need to be addressed and I think that is what the door was open for, to discuss those two items. We've discussed one at length, if we want to open up the other subject or otherwise we can go ahead and make some kind of a decision to continue this after the water decree has been reviewed by legal staff, etc. and brought back to us for an application that way.

Commissioner McCown – If I ask for a continuance Don, what is the timeframe we have to come back with this?

Don DeFord – I do not believe there is a fixed time for that Mark.

Mark Bean – Since we do not have anything that is specifically, anyway normally it says thirty-days in other subdivision actions but in this one.

Don DeFord – There's not, and the only timeframe is a decision after you close the meeting, then you have to make a decision within fifteen days.

Commissioner McCown – From a continuance standpoint, we could make April 8th.

Chairman Martin – Mark said that he had not received all information from Road and Bridge either. Would that give you significant time to get that information to present to the Board?

Mark Bean – Yes, I believe it would. I have not had the opportunity here to get with Doug.

Commissioner McCown – I guess I would make a motion to continue or table this item until the 8th of April after 1:15 PM, continued information needed as I have some questions about the decrees, would like to see the well permits in place if they would be so issued by then, and also some clarity on the road issue.

Roberta Mahan – Can I ask a question, is it at all possible that it could be any sooner than that, only because we have to go to work and this would put a hardship on us to wait until then to work. We need to leave town to go to work, so if it's possible, I would prefer it to be sooner, if at all possible, if all these other things could be in place by then, if not we'll just have to do whatever we have to do.

Commissioner McCown – I'm afraid if we set it any shorter of a time span than this, it would just barely be thirty-days and the information wouldn't be available again and then we would either have to rule against your request or put it off another thirty-days.

Roberta Mahan – Is this an appropriate moment to answer some of the statements that Kathy made or is that not necessary?

Commissioner McCown – I do not think it is necessary at this point. The discussion will be reopened on the 8th of April and at that time you could rebut any statements that were made.

Chairman Martin – And I take it you kept notes or you have a copy of the letter.

Roberta Mahan – Oh, yes I did.

Chairman Martin – And the public will also be able to make comment at that time as well.

Commissioner Stowe – Second Larry's motion.

Chairman Martin – I have a motion and a second, any further discussion. All those in favor.

Martin – aye

McCown – aye

Stowe – aye

Chairman Martin – So we will go ahead and continue it then.

DISCUSSION REGARDING GARFIELD DEPARTMENT OF SOCIAL SERVICES AND HAND UP HOMES FOR YOUTH

Wendy O'Leary, James Scott, James Smith - Hands up for Youth, and Margaret Long were present. A proposal submitted by Hand Up Homes for Youth was discussed at length with staff from Social Services and James Smith regarding a possible Juvenile Sex Offenders Foster Home provided by Hand Up Homes.

A conditional use permit on property near Rulison was at issue. Mark Bean had determined that Planning and Zoning should fall under "Correctional Facilities."

The two questions before the Board today was, how this affect the juveniles in foster homes under a court order – does the Board want to review the language, and the determination between foster homes and residential treatment.

Margaret Long commented that there can be as many as 12 youth placed in this foster home included in the language for Correctional Facility; it can be interpreted very broadly however, the complicating factor in that language and in discussing the Residential Treatment Centers, no child is placed in a foster home without a court order for dependency and neglect or juvenile delinquency. Margaret suggested that we do not want to rule out this type of facility included as family foster homes with the addition of including those operations to have a Special Use Permit, or rule they cannot be in residential areas. Margaret continued saying that family foster homes are 1) certified, limited to the maximum of four kids, with exception of a one if a siblings; or 2) under State guidelines the number 4 if not referred to as a treatment facility. She explained that she could pay a higher rate if the foster home provides "treatment."

Wendy O'Leary mentioned that there was no Sexual Offender Treatment homes currently in our County Margaret added that a family foster home provides the closest out-of-home placement as possible to family care; anything beyond a family foster home is into a treatment center. A sibling group takes into account the family size and she suggested following the State guidelines in this type of a facility as well.

Wendy O'Leary explained the difference other than zoning with a staff secure facility as provided by Colorado West. Youth Recovery Center at Valley View Hospital did not fall into that type of category.

They are limited to 10 youth. Margaret

James Smith mentioned the facility – Western Academy has been checked out but they found it to be rather cumbersome in size and had some concerns with other issues with the previous corporation knowing how it was operated.

Margaret indicated that Hand Up Homes for Youth want to be more isolated.

Commissioner McCown told Margaret that the largest complaint he heard was the isolation issue; the distance from medical, etc. was the single derogatory statement.

Mark Bean mentioned procedurally, adding foster care could be done easily.

Commissioner McCown mentioned that he did not want to see the breath of a Correctional Facility changed.

Margaret – on the correctional language with foster home out and not making a distinct between youth and adult – would only have foster homes in Garfield County.

Commissioner McCown favored to allow the process of public hearings to go forth.

Margaret – under a Special Use Permit, all youth would be under a court order. At the present time, we are regrouping and asked if at some point if the Commissioners want to continue talking about youth sexual offenders and with mental disorders?

Don DeFord commented on our zoning code allows both residential and agricultural uses in the same zone district. There had to be a way to split this out when this was adopted the Board was concerned that true residential uses would be impacted, not like a big ranch would be. And so that is what was decided upon since the Assessor's office is required to differential between the two.

Commissioner McCown asked if Margaret thought the County would ever get beyond the stigma of sexual offenders living next door to people with children. How do we clear up that fear or that person that voices the concern that I have young children, she rides the school bus, rides home of the bus, and she's along 30 to 45 minutes before the parent arrives home. She is living next door to a number of sexual offenders in the home placed by the judge.

James Smith addressed this saying this is a question that will be with us for a long time. You cannot take a social issue like sexual abuse and through some kind of pro-active educational process of the general public try to relief fears. You have a tendency of increasing fear and increase reactivity in the community when the issue is brought up in any regard. In this case, we are talking about adolescents who have certainly demonstrated behaviors that should be of concern to the community. But to spell that out very clearly and to use the help of qualified clinicians and use the help of the court system to determine who is amendable for community based treatment and in this case a residential treatment center. We are talking about a group of young people who are not determined to be appropriate for correctional facilities to be committed into the Department of Youth Corrections. On the other hand, what we appear to land on is that there's a group of young people who are quite responsive to residential treatment and in the material previously submitted, Jim said this best describes what they do in these residential treatment centers. These are State licensed

facilities. The stigma never goes away, it's something that we've chosen to live with and in his experience about 80 miles away from here in Whitewater, and thus far they have had zero problems with our community. We had the initial wave of deep concern and reactivity and he added he was familiar with how people respond, the kind of type of letters produced for the Commissioners to consider. He has seen people testify that if they saw one of the young people in the front yard, the first thing that they would do is get the gun basically. It was this kind of dramatic language in varied public forums that they have had to live with. The only way to prove themselves in regard to how stable this proposition is, is to perhaps see a living example of it being carried out. We can refer to the best models out there, reviewed by the best reviewers in the nation for critical review of their practices, try to live up to every known standard in the industry (there are standards in this industry). These standards are referred to when doing an internal evaluation. The human factor with something of concern could come up such as what the 'if's' – these questions come up and then they have to deal with them one at a time and thus far since September 1999 in Whitewater, there hasn't been problems with the surrounding neighbors and no problems with Sheriff's Department of note. There has been contact with the Sheriff's Department but there have not been any serious incidents. Commissioner McCown said he was looking for an easy answer to the people that talked to me about it when they asked how he would feel about it if it was next door to me. With a thirteen-year-old daughter, he said he would not want it either.

James Smith – To be recognized as a residential treatment center in Garfield County would be a value to us. But it wouldn't be against their model and certainly not opposed to go through the middle of a Special Use Permit process for this purpose, with criteria and with a list of things the County establishes as its own regulation that would provide them with a guidance system as to where to look for an appropriate facility. They were trying to follow the protocol in regard to how they were responding to whether we were a correctional facility versus a boarding school. They went through this process in Mesa County where we were using their current zoning language and were identified and appropriate as a residential treatment center in the A-1 designation. The facility in Whitewater is much closer to residential homes than the one in Rulison would have been. He voiced they were no longer interested in the property in Rulison but stated they will cooperate with staff here and hopefully find a solution.

James Smith mentioned that 12 is the maximum agreement of youth as in the agreement with Mesa County, and it is also their model. The advantages of a facility of this size has multiple factors, one is that 12 is concerned to be a relatively small facility. There are facilities all over the State of Colorado who are huge compared to a 12-bed program, however, they would much rather treat kids in a smaller number – it's a cost benefit to ratio that they had to examine in terms of their financial analysis. It is nearly impossible with what they are paid in Colorado to treat kids in a residential center with less than 12 to support it. The number 12 is quite doable clinically and offers them a great peer culture. A number of kids who can provide good feedback to each other in the program and there is a number of staff involved at that level and it is manageable at that point.

Commissioner McCown offered the suggestion of a regionalized County facility.

James Smith – Jefferson County proposed 48 beds for their entire county and they were chosen to be the providers. However, staff did they want to run something that large – it would be centrally located and conveniently located in one place but would have distance problems in regard to meet their model, which is trying to treat kids to the communities they come from.

Commissioner McCown – The facility they talked about in Rulison was going to a 9th Judicial District home, which would incorporate 3-county area. The western slope of Colorado geographically is not a two-block area. That facility was going to be a 3-county facility.

Margaret – stated it would have been ever larger than that.

James Smith – when talking about a facility in Garfield County, he was speaking of primary Garfield County kids and assuming that would be where they would concentrate the most. Options to that would have to be included based on numbers of kids for the facility as well as who is referring to us.

Jesse Smith – the logic of saying do you want them scattered through the neighborhoods in individual homes unsupervised versus in a supervised treatment facility in a known facility.

James Smith – with this particular issue, sexual abuse is something that frankly is highly responsive to the idea of being brought out into the open. A young person who is operating in an open community that deals with his specific issue is far less likely to re-offend or recidivate if he knows a number of people in his particular environment are totally aware of what is going on in his life with that particular issue. A kid in his neighborhood who is unsupervised who has been identified, as "he might have a problem" is likely to be doing things that people never find out about. You may never find out how much victimizing or damage

that person is up to. Obviously, we assume as a treatment provider that supervising young people in a monitored offense specific treatment facility is highly effective compared to a more diffused community based model. We sold Whitewater with support of the broader community; there were people asking for their services and were responding for a request for proposals from Mesa County and shortly thereafter began responded to more informal inquiries from the professionals here in Garfield County. We recognize there may be a need here and have kept connected with Margaret, Wendy and Colorado West Regional Health Center. It is not up to the treatment provider to sell a program like this one to the Community – it is up to Garfield County as to what to do with its sexual offensive youth. They have to be chosen to deal with the issue.

Jesse – Whitewater is in a densely area, how did Mesa County overcome the fears and anxieties.

James – Their experience has been – we agreed and suggested we initiate this idea that we would have a community board that meets with us on a quarterly basis. This is hosted with our neighborhood, fences they come down to the facility, sit, and talk about concerns they may have. He gave examples of fencing the property, appropriate dress of those offenders, septic system; one gentleman was very vocal during the public hearing process and was very adamant about preventing them for coming into that particular community. That same gentleman is now the leader of the Community Advisory Board but he also comes down and gets the kids and takes them to the cemetery for a quarterly clean-up. He has been very active and they seek his advice on a regular basis. Some local women have brought in homemade apply pies at Thanksgiving and some very positive exchanges with their neighbors and very little problems, if any. There has been no documented evidence of any problems to speak of. This has taken a lot of hard work to be connected with our neighborhood but at the same time not allowing any commingling of other youth in the neighborhood. The biggest problem with kids wanting to get with other kids was that the local teenagers were coming down to their facility; it was not our guys wandering down the street.

Jesse – if you find another piece of property, would it be conducive to bringing up some of those folks and having a neighborhood meeting before anybody starts getting worked up.

James – if you brought these folks up here, they would give you the same list of fears and concerns. Those do not go away. You have two things going on – you’ll hear them say, this has really not been a problem up till now; however, you wouldn’t have dramatically decreased the amount of fear and reactivity in those people. This could compound the problem about this type of issue because they are not going to change the core believe system about this type of issue. Fear is a feeling you cannot rationalize. The only thing to focus on is that they did not invent sexual abuse – we are here for the very same reasons that they are citing. We are hearing because fears like this exist and if those fears we are trying to be the solution – it is very difficult. What he needs to know is where the best location would be to begin looking. It is very difficult to find a suitable location in Colorado for this type of a program.

Commissioner McCown inquired as to the normal length of stay for someone in the program.

James – 14 months is the statistical average, however they say typically 14 – 18 months.

Commissioner McCown – For an approval process he suggested somewhere around Douglas Pass or Baxter Pass where there is nothing residential around it, to meet the zoning requirements. Or you are going to be looking at an area like the 45 acres we have at the Airport that would be pre-approved for an institutional type setting what it went through the Rifle Planning and Zoning approval process. Those are you two entities that you would be looking at in Garfield County. One, you are going to have to stay somewhat remotely far away from the people or it will not get approved. The other one, you are going to have to go into a zoned area that would allow that type of process to go forward. But, we also have to look at the possibility of the same requirements that the City of Rifle has with a community corrections facility where we would be required to hire a full-time officer. What about the possibility of enlarging Whitewater? Margaret Long felt this might be something looking at. One of her hopes as discussed with James today, 12 is a good number, less would be even better clinically, but the economy dictates at least 12. If we could get two facilities, they could be more clinically sorting of the kids and a couple of developmental disabled could be in a grouping away from some of the bright guys. That is a court decision. Now they are estimating about six kids and some with dual diagnosis – sexual offenders and mental disabilities.

James - Hand Up homes is known as a facility that can handle developmentally delayed youth but the youth has to have offenses related to sexual abuse. Developmentally Disabled Delayed have issues related to sexual abuse or central reactivity and if often very hard to pin down and oftentimes does not get legally designated as that young person being a sexual offender, like an adjudicated sexual offender. So the good portion of the kids we have treated who are Developmentally Delayed/Mentally Retarded (DDMR) do not come with an adjudication, however their behavior could be as or more severe than an adjudicated youth or

their behavior could be so hard to define or questionable as to what's really going in, that we become the people who provide the diagnosis – the screener that determines if the youth is a risk.

Margaret – The two kids she has with DDMR would fit into the program offered by Hand Up Homes offers; they have not been adjudicated because they are DDMR. And there is a third that will go over to adult status. Also there is another one in state that may, because of not being able to get into an appropriate placement have developed some behaviors that will not qualify him for places like Hand Up Homes. The main concern about the youthful sexual offender population in Colorado is that we're really up against the wall for places that will take placements including going out-of-state with the DDMR. If they are not delinquents, then what we do is keep them in the community but unfortunately does not held the other people's fears. In addition, if there were a child out there that has the diagnosis of sexual offender she would rather have these youth placed in a facility rather than in the community.

Commissioner McCown asked once the property is located is it possible to build or create you facility to the size that is the most cost effective to run. Like a six-unit for treatment of one similar diagnosed youth, another one with different diagnosis, can they share a kitchen and share eating facilities for that the cost of operation is lower, yet you do have these people in a segregated atmosphere where they are not co-mingling and your able to treat and supervise in different levels.

James – We would be open to look all options and recommendations. The best way to describe again what we find to be most effective with our young people, is do built our own facility. Our residential unit is designed specifically with this population in mind and has drastically reduced the number of instances that typically occur when you try to retro-fit old institutional buildings to meet the needs of young people who basically need a wide open supervision setting so you can see what's going on every minute of the day. The bunkrooms are open to the living quarters. It's about 3200 square feet of living space for 12 kids plus they have 5 acres to run around; they're a basketball court, a separate school building, and if we were to build that from the ground up that would very prohibitive for us at this time. We might consider doing that in the future but is we had just a bare piece of ground to build that type of a facility would probably be about \$500,000. So we take what we have like a house and we try to add onto it in such a way that we get exactly what we are looking for. And hopefully we don't compromise too many times about things like exposing our young people to a venerable population like locating right next door to another not know to another type facility. Mesa County is willing to work with Garfield County, but an open slot for a kid is an issue. The goal is to provide services and not keep handling these kids in foster homes. Currently, in Colorado, these residential treatment centers are approved, they go in under conditional use permits or even before those types of regulations existed, they put in these types of programs. What they have done historically is they grandfather in these sexual offense programs. They do not report and until the registration laws went into affect in Colorado, no one knew where these sexually abusing youth were located. The public did not know the professional system understood where they were placing their young people. Now there is public outcry, concern, reactions, and fears and we understand that.

Margaret proposed that the County keep looking for a place to purchase for a private provider versus directly trying to directly provide these specialized services.

James mentioned that Hands Up Homes was contracted in a less formal manner than in Mesa County, by a joining a consortium of Social Services and Colorado West Regional Health Center.

Wendy O'Leary mentioned there is a joint task force that was developed two and one-half years ago made up of Renae Brown, Bruce Christensen, Donna Mabon-Shrull and herself because they were having such a difficulty being able to find adequate treatment for adolescent offenders and the problem of locating these kids anywhere near their families. The families were not getting treatment so we were looking at how to get adequate out patient and in patient services. She commented that she had presented the Board of Commissioners with information indicating we were in discussion with Hand Up Homes a year ago.

Commissioner McCown mentioned he found out the proposal in Rulision from constituents and had to admit having egg on his face because he did not know about it.

Margaret – took the blame and commented that she did not know where she erred; she has discussed over time as these issues. She had also been blindsided in interpretation of the language and determined it was court oversight when she found out that things changed. Now, we are saying that we like to encourage Hand Up Homes pursue trying to site a facility somewhere in Garfield County that can serve our kids.

Chairman Martin referenced that after the RFP went out from Community Correction Facility and after the RFP's came back, they were informed. There is a very big need and we need to salvage what we have.

James has an organization that can help the County. He suggested starting as a public entity and finding a

place wherever we can. We may be back to a zone text amendment and we can put in an exemption to that language, but we still have the problem of location.

Jesse Smith suggested to put together some kind of a community think tank to make the public aware of the whole situation and need is and perhaps they can filter it out to the community.

Mark – the issue is on the table. People do want to come in and talk about their concerns.

Commissioner McCown mentioned this issue will be a political hot potato and the Commissioner have to weight the health, safety and welfare of the community against a proposed health giving, caring facility with sexual offenders being placed in your neighborhood.

Jesse asked if there was any potential large landowner with social concerns that could support this type of a facility.

Commissioner McCown suggested Sue Rogers in the Roaring Fork Valley; 2600 acres with easy access, isolated and it already has some buildings on it – Ms. Anchuses. In the midst of her acres, somewhere isolated from other property owners around her would eliminate most of the residential concerns. She is a philanthropy type person.

Donna Mabon-Shrull from Probation – As far as the Commissioners comment about any groups that may be able to get the community input, they do have a Garfield County Sexual Abuse/Domestic Violence Task Force with one of their main purposes is educating our County and our surrounding area about both issues of sexual abuse as well as domestic violence. April is coming up on the sexual abuse awareness month and this might be a good piece for their educational group to look at the adolescent piece of sexual offending and what we as a community can do. She will bring this up at their next meeting to suggest this might be a nice route to take and request input from our community as far what they would like to see happen or not happen, and where we might be looking at location.

Chairman Martin - What this amounts to is to bring this issue upfront and make sure we get all communities aware of it and then call upon James when we have a location.

Ed Green mentioned that this is what we had envisioned for a Community Corrections Facility on the 45-acre parcel on the Airport land, a cluster of modular homes.

James – Community support goes a long way at the banks – there are support grants with the community behind them – appreciates the ongoing support – apologized for anything they did from a misunderstanding of what was going on – should have made contact with the Board of Commissioners and said he will do this prior to making application in the future.

Don DeFord requested clarification for Mark and himself, does the Board want to initiate a on a zone text amendment on the definition of correctional facility to accept out of that, licensed or certified foster care homes?

Commissioners – yes.

Don - And concerning residential treatment centers, does the Board want to make any changes to either the definition or the special use criteria?

Commissioners – Not at this time.

Mark Bean stated that he understood his direction.

Public Comments from Citizens Not on the Agenda

Barton Porter – Mag Chloride on Alkaline Creek. He requested not to have it all over the road as it is a real mess when it rains and there's a layer of slush on top of the road, the trucks throws it up on your windshields.

And

We have 12 houses within 3 miles up Alkaline Creek and it would not hurt to put some road surfacing that than the Mag Chloride.

Commissioner McCown did not think 12 houses in 3 miles would qualify. Other areas with a lot more density that are still driving on gravel because the County has not been able to chip seal. McCown – a lot And

Barton asked for clarification on subdivisions mentioned there is a fee of \$1500 per house or unit.

Chairman Martin mentioned there was a road impact or a school acquisition fee.

Barton said he had heard about the road impact fee and referenced the road coming down by the Tomato Plant wondering what the cost might be for this road. He thought it might be the West Mamm Road.

Road coming down by the tomato plant – wondered what the cost might be –

Commissioner McCown referred him to talk to Mark Bean who would have a schedule on that road impact fee. It depends on the road, the improvement, it goes to improve the mitigation the impact a subdivision might have on a particular road and it has to be accomplished within a 20 year period or the County has to

pay the developer back with interest. The developer pays about 17% and the County 83% to improve a road. Alkaline Creek is not been designated for improvement and that is how Barton has gotten away in the past without paying this fee.

Barton commented the Dry Hollow Road and the taxes the County is currently receiving.

Commissioner McCown said the County only receives about 1/10th of the taxes paid and this is used to maintain the roads.

ADJOURN

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

Attest:

Chairman of the Board

MARCH 11, 2002
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, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

New Castle Fitness Center - Judy Osman – Human Resources Director, Judy Hayes and Kathy Schiesser – County Health Benefit – Fitness Center – Opened last May. They wanted to make the County aware of the wellness benefit that can be applied to prevention. Kathy implied that the County resource is not being correctly disseminated. Ed said the Health Benefit Board has had discussions and the wellness benefit can be used for a Health Club Membership instead of an annual checkup or any portion of funds not used for the physical. There are some administrative concerns regarding payment. In 2002, you have to pay it and then be reimbursed. Another emphasis, this benefit is to be used primarily for your yearly physical. Judy Osman stated that one of her concerns is when someone else starts to explain the benefit, and then some people assume there are two benefits – it is only one benefit. She explained that on each employee's birthday, a list of benefits including a physical/wellness benefit is shown on the letter; however, it is listed as a physical benefit. Ed mentioned a concern that most of the employees live seven miles from Rifle. Judy mentioned Silt, Rifle, CMC, etc have Health Fitness Clubs. Valley View rents space for them.

COUNTY MANAGER UPDATE – ED GREEN

- ***Employee of the Month – Lynn Renick – Social Services***

Margaret Long and Lynn Renick were present for this presentation.

Lynn Renick began employment with the County since 1994 and began her career as a case worker; she moved into the supervisory assignments only after she felt comfortable that she had mastered the Colorado Child Welfare System to her satisfaction. A few years ago Lynn took on a leadership role in correcting State audit findings related to the organization. With her expertise and intensity, we were able to correct those findings and turn that situation around to where we now have some very good ratings. Margaret Long characterized her as one of the hardest worker she has even seen, not only does things well, but also attempts to ensure they are done in the smartest, most efficient way possible. She has an excellent working relationship with the legal and clinical community; she's a team player.

- ***Weed Board Appointment and Voting Status – Steve Anthony***

Larry Ballinger has requested to be considered for appointment to the Weed Advisory Board as a representative of the Town of Carbondale.

Steve recommended the Board appoint Larry to the Weed Board. He has helped increase Carbondale's effort in noxious weed management in the last two years. This appointment would be the first time we have had representatives from three municipalities - Rifle, Glenwood Springs, and now Carbondale – on the Weed Board.

The other members of the Weed Advisory Board include: Steve Carcaterra, Wayne Ives, Doug Piffer, Brit McLin, Bob Miller, Al Laurette, Charles Ryden, Fiona Lloyd, and Tom Whitmore.

Regular alternate voting status – the representatives from the Towns/Cities are alternate voters; seven members or less, the Alternates vote. Discussion was held regarding voting and alternate members. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to leave all the governmental entity representatives as alternates including Tom Whitmore; and appointing Larry Ballinger as alternate member of the Weed Advisory Board representing Carbondale. Motion carried.

HABITAT PARTNERSHIP PROGRAM - Cost Share - \$15,000

Steve stated they had applied for the State Habitat Partnership Program and he had received the rejection letter however, Paul Berchlau came in the office last week and suggested that Steve show up at the (HPP) Habitat Partnership Program and put in a pitch for the weed program. They did and received \$2500 from them for the cost share. This is the Grand Mesa HPP, 3% of the big game licenses have to go to HPP and then they decide how it is administered for habitat. Next year it is going to go up from 3% to 5%.

- ***Fair Board Appointment – Dale Hancock***

Dale Hancock submitted the letters of recommendation. The other members of the Board include: Ed Elder, Kim Gentry, David and Kim Mongould, Leon Hanhardt, Smoky Vines, Robert Flohr, Kevin & Kathy

Runia, Amber Mekelburg, Perry Will, Laurie Murdock, Dan Bousher, Keisha Sheets, Dave Mangol, and Patti Scarrow. Dale Hancock asked that these people be designated on the Fair Board for 2002. Dale added that staff including the Fairgrounds Manager, Nori Pearce – CSU Extension and Fred Fenner, FFA.

Commissioner McCown asked that Dan Bousher be excluded, due to potential conflicts since he is the promoter of the Rodeo, but it would be okay for him to be an ex-officio member.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that striking Dan Bousher and the others named by Dale Hancock be appointed to the Fair Board and for future reference, if you do not submit a letter, you don't get on; motion carried.

- ***Garfield County Housing Authority Board Appointment***

Tom Beard submitted a letter to the Board requesting reappointment to the Garfield County Housing Authority Board.

The other members of the Garfield County Housing include: Mary Jane Hangs, Shelly Bunton, Joede Schoeberlein, and Joan Baldwin.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to re-appoint Tom Beard as a regular members of the Housing Authority; motion carried.

- ***Work Session – Release of Retainage for Detention Facility – Randy Withee***

Randy Withee presented a request by Haselden Construction, Inc. for reduction in escrow (retaining funds) for completed subcontractors. The amount of reduction in this request is for \$305,604. Randy added that the requested is based on subcontractors that are 1100% complete with the project.

To date the amount in escrow is \$657,879.00

Reduction request: \$305,604.00

Remaining escrow: \$352,275.00

Randy stated this amount would be enough left for Gould to finish up the parking lot, curb and gutter, which is Martinez, and then there are some of the electrical items for the light poles and landscaping. Don said if the Board wants to proceed, there are some legal requirements. The Board would need to make a determination that there is substantial basis for releasing these funds at this time, the contractors are complete, and also have to receive a receive from Haselden's bonding company in order to proceed and lastly there is an amendment that needs to be accomplished to our existing agreement. Right now, the agreement with Haselden contemplates a single final payment; in order to split it in the manner that is being requested, we need to amend that agreement to provide for partial payment. Don submitted a draft of that revision; Haselden hasn't had an opportunity to review it yet. Therefore, if the Board wishes to proceed today, Don asked that the Board make those finding, that the Board authorize the release for retainage and authorize the Chair to sign an amendment to the Agreement when we receive the release from the bonding company.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to allow the reduction request of \$305,604.00 on the Detention Facility and reducing the debt to the subcontracts listed on the attachment with the conditions as set forth by the County Attorney.

Sheriff Tom Dalessandri mentioned he had spoken to Randy and mentioned to the Board some concerns saying they still have some outstanding things that we had talked about Haselden's wrapping up. There are some unfinished things that Haselden has that they promise to complete and some of those had been completed, some have not. There remain some very minor problems with the electronics, but there is a fairly substantial list that predominately belongs to Ester Owens and we've been in touch and discussed those things and Sierra Steel was up last week and Ester Owens was up the week before – it's still not completed. As far as all the contractors listed, Tom didn't think there was a problem but wanted to make sure the Commissioners were aware that there were still some outstanding things. Motion carried.

Don - Randy will have to advertise for Final Settlements and the Board will probably be seeing that just as to these contractors and if they have any outstanding claims, then the time have to submit those.

- ***Discussion regarding the Glenwood Springs Road and Bridge Property***

Ed mentioned that it has been some time since we broached the City of Glenwood Springs, the issue of first right of refusal for that facility and Don and his staff have done drafts and redrafts of the IGA but there appears to remain one fundamental area of disagreement and that's earnest money consideration for the right of first refusal. There were a couple of other provisions that were problematic including the 10-day response provision and the subsequent 10% down payment provision at the end of that 10-day period. The question Ed posed was, does the Board want to proceed to try to negotiate this first right of refusal or simply proceed with the sale of the land to private entities. Ed mentioned they have received some

expressions of interest from private entities and sense the Board may want to proceed with the sale of both Road and Bridge facilities at this time, not only the one in Glenwood Springs but also the one in Silt. Don mentioned he would like to have an Executive Session to discuss this with the Board as these are staff directions regarding property acquisition and there are two other agreements pending with the City of Glenwood Springs and staff needs direction. The Board is not required to have an Executive Session to discuss these things. Commissioner Stowe said this seems appropriate until the Board decides on a course of action and then we can let the press know.

- ***Consideration of Increasing the Call Fee for the Coroner***

Trey Holt submitted a request to increase the current \$100 per coroner call to \$125.00. Trey gave the comparison of calls per year comparing Eagle County at 35-50 calls per year, Pitkin County does 20 – 25 calls per year, and Trey said they do average 90 - 125 per year. He justified the increase by saying a lot of times the deputy goes out in the middle of the night, go out and are there are for four or five hours most of the time at a minimum. Ed mentioned this issue was mentioned two budget cycles ago but it fell thru the cracks. Jesse Smith suggested as far as the budget goes, that if the Board approves this request that we just continue with the budget we have and watch it, if we get to the point where it looks like additional funds are needed, then do a supplemental budget at that time. Sheriff Dalessandri added that the Coroner and deputies are very valuable to his department and every law enforcement in the valley and stressed the importance of this service, not only to the initial response it's the follow-up paper work and everything else to get this information to the local authorities after the incident. Therefore, these folks are very important and what Trey is doing is hiring very good quality people now for these deputy positions and Tom said he supports and endorses this plan – it is very important to the continuity of the service that we have in place. Commissioner McCown clarified that these were on a contract basis and made a motion we authorize the increase per call to \$125 for the coroner's deputies. Commissioner Stowe seconded. Chairman Martin stated we would go ahead, use the current budget, and make an adjustment if needed later. Chairman Martin said there was a Salary Bill in front of the House and passed the Senate in reference to the Coroner having a yearly salary and this may need to be looked at during budget time. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Discussion of Municipal Use of Garfield County Detention Facility***

Don DeFord, Sheriff Tom Dalessandri and Dan Hall were present.

Don explained that Tom's staff has started on a draft agreement that could be used between the municipalities and the County for use of the Detention Facility. Under current State Law, the use of the County Jail is permitted with the consent of the Board of County Commissioners. In the distance past, we did have an agreement in place with all of the municipalities in the County by which the Commissioners granted that consent. Because of the situation of the old facility, we reached a point where the Sheriff simply could not accept any municipal prisoners and so that agreement then terminated. The Sheriff has indicated to me that he thinks he's in a position where he would like to start phasing in use of the new facility for municipal prisoners and there are some issues to bring before the Board as we've put out a first draft of this document. The ones that Don noted are: first of all what would be the daily charge for use of the facility, what will be the type of prisoners accepted by category; and the situation concerning health care costs.

Tom Dalessandri stated this was one of their goals and purposes before the building even came out of the ground for purposes to be able to accept municipal prisoners. What he would like to do is to phase them in and the first being that we would be accepting sentenced prisoners as soon as we can get an agreement that can be submitted to the Town/City Councils and obtain their feedback with a signature. It would probably be 30 – 60 days after that they would look at the addendum to this contract that would allow the pre-sentenced to be brought into the facility. The sentenced prisoners encompasses with this agreement would be those who actually have a mitimus for those who have a copious warrant which would be an outstanding warrant they would be arrested on. We would have to have those papers presented to us at the door. The biggest issue for the Board is the fee that we would charge and we've had some discussions over the years about this. Tom said they have presented the following figures in the draft agreement: 1) the figure that is recognized state-wide from the Department of Corrections and that's what they pay as a standard and that's currently at \$51.65 per day, however, as the Board may have heard, the number has been discussed to advance to \$62.00 a day and that is the figure actually presented and present on a regular basis to the INS. We have a justification formula for that cost. That figure may fluctuate this year and it may be higher or lower as the figure of \$62.00 was based on the old facility. So until we get through a

substantial part of this year, we really won't know if the old number can be overlaid on the new facility and know what that exactly comes out to be because the volume may come down, or because of the overhead of the facility it may go. The \$62 is the figure that we submit for reimbursement from INS, \$51.65 is the figure paid to us by the State. The State does not base that on our facility specifically or any number of facilities that is what they look at and may decided this is what we can afford. It is not necessarily reflective of the accurate cost of housing.

Chairman Martin commented that this is the bare minimum that they can get by with throughout the State and that's a statewide average. We have a higher overhead and should not start in the hole but need to look at \$62.00 rate and put that number into our contracts. The mental health evaluation, the injury, if a prisoner has a pre-existing injury they will not be accepted. Tom added that this is a real important part of this and we do not want to accept prisoners with a huge financial liability and made it very specific in the agreement that any pre-existing injuries or chronic would have to be absorbed by the municipality and we would bill them for those costs. As a part of this cost, the standard day-to-day health care provided by our medical contract would be covered. Chairman Martin said visible injuries would have to be identified and released. Tom added they would not accept juveniles, we cannot anyway and want to reiterate that while we do have a couple of cells designed for juveniles, these are for a temporary hold and is by state and federal standards; and we would not accept overly intoxicated individuals just as we currently have in our policies, we would accept those that could be readily be treated by our medical staff but not those because of their alcohol BAC level that present a probably health risk for themselves; that would be alcohol levels of .25 or above. Tom added they do not have the ability to monitor these types of prisoners 24 hours, 7 days a week. Commissioner McCown clarified the time frame once their agreements are sent out, signed, and returned, that we would be looking at 30-days before actually housing these prisoners. And it's safe to assume that if a municipality does not sign this and get it back to us, we just will not take their prisoners, We will take those municipalities who have signed and agreed to this price and the others will not be housed. Chairman Martin added that it was something we cautioned each municipality to put into their budget for the cost of housing their prisoners. Tom said they are still staffing for the Detention Center and many are in training. This process takes 4- 6 weeks minimum. In the next two months, they will be better staffed and hopefully will have the second floor opened up giving us more flexibility; but feel they will be prepared to accept the sentenced municipal prisoners once these agreements and Resolution are in place. Commissioner McCown clarified that the number - \$51.65 per day came solely because that's what DOC is paying and not relative to our actual cost to board a prisoner. Tom said, no, from the old facility it's \$62.00. Don DeFord asked Tom if he wanted to use the \$62.00 figure. Tom said he didn't have a preference, but was looking to the Commission to determine what they think is appropriate relative to the expenses and obligation to the municipalities. He said he offered those two figures only because they are between the actual cost and the amount of reimbursement as a standard.

Commissioner Stowe suggested that until we know what the actual cost is that \$62.00 is a place to go, Tom has a rational nexus to draw upon. The Commissioners agreed that \$62.00 would be the consensus to continue charging. Don said the first agreement would actually terminate in 6-months and then we will look at it once again. Tom asked for feedback in order to give information to the communities and that would be the time-line before they actually get a contract in hand. Don said he thought these could get to them in 2 – 3 weeks. Chairman Martin said the municipalities have inquired about the time frame as they are sending their prisoners to Meeker at the present time. It's a hardship on them as far as transportation, time wise and personnel. Commissioner Stowe projected about mid-May would be the time when we will be ready to accept the municipal prisoners. Tom said this would be submitted to the Police Chiefs and the City/Town Council.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Agreement changing the daily dollar amount for a prisoner board to \$62.00 per day and the Chair be authorized to sign the Intergovernmental Agreements with the varying municipalities as they come back signed by their elected official; motion carried.

Chairman Martin said this would be a subject he would follow up on at the Mayor's Meeting, which is the 10th of April.

- ***Correctional Health Care Management with Valley View Hospital***

Don requested the Board sign a letter of agreement with Valley View Hospital under which the County will be responsible for payment of any medical bills incurred from this day forward upon signature of the Chair, to the extent that Correction Health Care Management does not honor those payments. The Board has signed this agreement in the past and it is in the same form as last year. This came about from the change

over from Health Care Providers two years ago. It's necessary in order to assure that Valley View Hospital will be available for the Sheriff's Department, the jail facility. Tom said Correctional Health Care has been very responsible; their record of accomplishment so far has been very good.

Commissioner McCown made a motion to authorize the Chair to sign the Agreement with Valley View Hospital for Correctional Health Care. Commissioner Stowe seconded; motion carried.

- **Discussion on Annexation of the Meadows - City of Glenwood Springs**

Mark Bean was not available at this time. The analysis was submitted with a cover letter. Chairman Martin mentioned his concern in the cover letter dated February 27, 2002, "please note that reference to the sales tax revenue sharing has been deleted from the application by the applicant and is no longer an element of this application." Therefore, either this letter and all of the pre-annexation agreement needs to be revised or some areas eliminated – it's a conflict. What is really being presented because of the formation and the ability to share in tax incentives for public infrastructure? Commissioner Stowe added that ultimately the striking of that doesn't preclude the City from doing it; it just makes it not a condition of the annexation. It's a nice jester but at the end of the day it's up to the City Council whether they impose the TIF or not the day after it's annexed. Commissioner McCown noted that there is nothing in the pre-annexation agreement clearly excluding that area from the Downtown Development Authority. Chairman Martin said the impacts to the law enforcement, roadways, schools, and adjacent roadways as well as the intersection of West Glenwood on I-70 – that is not discussed as well as the overall policing of it, how are they going to handle that, is there infrastructure and is their staff able to handle this large of a development of 475 more homes, commercial development, etc. Commissioner McCown said he didn't find anything in here about an agreement on the participation of the property to be annexed on major road improvements, an obligation to improve the West Glenwood Interchange. It referred to the City's responsibility as far as providing municipal services i.e. water and sewer, but the developer did not mention major road improvements or who was going to be responsible for those developments. Is there a chance they will come back and say a part of that is our problem because our employees drive to the Courthouse on that road and we're impacting it. Commissioner McCown noted that it appears that entire area that is being developed is going to be served by two access points – one at the BOCCES side and one other at the Midland Land so all of that area will merge at those two locations. Ed commented that those two access points are at the Community Center and the City Municipal Operations Center. Commissioner McCown said the MOC is a terrible access point due to the sight distance around that curve – this is a real issue. Chairman Martin said that Mark Bean had some issues as well. Don suggested that he could combine the remarks today with Mark Bean and then send this off as our comments on their impact report and asked the Board if that would be adequate. The Board agreed it was adequate and wanted to move forward. This will be addressed further on March 18, 2002 due to Spring Break. Chairman Martin added one other comment and that was the agreement that is supposed to be in place with the West Glenwood Sanitation District and this needs further clarification; the overall purchase of their services or their facility needs to be disclosed on how they will handle that particular area; these concerns have not been addressed as well.

EXECUTIVE SESSION

Land Sale, Acquisition, Personnel, and a Land Issue in Litigation – Update of Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the following items aforementioned; Motion carried.

Those requested to say included: The Board, Don, Mildred, and Ed.

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

COMMISSIONER REPORT

Commissioner Stowe – Spring Break

Commissioner McCown – Joint City Council/Commissioners Tuesday, March 12 at City Hall 7:00 A.M.;

Human Services 5:30 on Thursday; Spring Break

Chairman Martin - Staff Meeting in Denver – Revised Plan – TRP; CCI on Friday. One Conflict April 15,

Board meeting Simona Institute Water Study in Estes Park – Sunday, Monday, and Tuesday

April 15 was changed to April 22.

CONSENT AGENDA

- a. Approve Bills
- b. Liquor License Renewal – Trappers Lake Lodge
- c. Sign Mylar for Amended Final Plat of Lots 1, 2, & 3, Block of the Elk Creek Development: Applicant J. Nelson and G. Lowe.

- d. Sign contract for Professional Services for Colorado River Engineering
- e. Sign Mylar for the Weinreis Subdivision Exemption
- f. Sign Resolution of Approval for Broadhurst Special Use Permit
- g. Sign Resolution of Approval for Parks Special Use Permit

Sign Engineering Contract for Chris Manera for Planning Review

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - g; carried.

APPROVAL OF AWARD OF THE DESIGN/BUILD CONTRACT FOR ROAD AND BRIDGE FACILITY

- **Rifle Road and Bridge Site – New Facility**

Tom Russell Randy Withee, Greg and Craig, representatives of CMC were present.

Ed submitted the history of the Rifle Road and Bridge Facility saying: two meetings were held to discuss the CMC proposal. Those discussions centered on the following – 1) Verification of what parameters/assumptions CMC included in their proposal, and 2) Any additions/deletions that need to be part of the proposal. Additions of: *SAR regarding - Utilities to SAR Building; *Builder's Risk Insurance; *Bollards – Inside; *Fire Hydrants; *Showers – Hand Wash Sink, Janitor Closets; *Lockers, Benches, Double Doors; *Overhead Crane (2nd one); *Roof – Color Finish; * and Telephone/Computer Wiring – Conduit between Buildings.

Deletions included: *Fire Sprinkler System (Storage/Office)

The Budget Summary included:

Description	Amount \$'s
Maintenance Shop (20,500 sq. ft.)	\$ 1,445,664.00
Storage/Office (11,250 sq. ft.)	888,836.00
Additions/Deletions	<u>88,151.00</u>
Subtotal	\$ 2,422,651.00
Search/Rescue (Regarding – Utilities)	<u>117,700.00</u>
Subtotal	\$ 2,540,351.00
Cinder Building (3,000 sq. ft.)	\$ 115,500.00
Grand Total	<u>\$ 2,655,851.00</u>

Ed said the recommendation of the Cinder Storage building was to remove it from consideration.

The floor hoists were discussed including the economical and efficiency requirements for the use of the floor hoists. The solution would be:

- ✓ A 25 ton parallelogram lift
- ✓ A RJ 25 rolling center jack
- ✓ A TP-15, 2 post lift
- ✓ Rotary ARO123EL2, 4 post lift

Budget: \$113,621.00

- This amount includes lifts, installation, air lines, and electrical.

Funding:

- ✓ Facilities/Offsite Roadway & Utility Improvements – Source – COP's \$4,000,000

Use of Funds:

- ✓ Facilities - \$2,540,351 (excludes Cinder Storage Building)
- ✓ Offsite Roadway - \$1,130,000
- ✓ Contingency - \$329,649 (\$170,000 Roadway; \$159,649 Remaining)

EQUIPMENT – Source of Funds – R & B Airport Facility Budget - \$560,000

Partial Use of Funds – Floor Hoists - \$113,621`

The Commissioners generated questions and various items were pointed out on the facility drawings incorporating some changes: two cranes versus one crane – one at each end of the facility. Tom explained the necessity of the two cranes that would cost \$13,000. Randy stated one crane with two hoists had originally been proposed, this is much better. This would raise the foot additional footage from 20 feet to 25 feet to accommodate bridle height. In addition, instead of a galvanized finish, the building will be painted. Randy said their recommendation consisted of the additional of these items discussed. Commissioner McCown stated that all entries in and out were to come through the Hunter Mesa Road. We never talked about bringing heavy equipment up through that facility. It is coming from the west side and not from the north. That will go through any future activity or development that takes place on that property and we never talked discussed that, gentlemen with the Road and Bridge Facility. That equipment was

always coming in off of the Hunter Mesa Road so that it didn't have to go up through any annex office facilities or whatever, which is why we moved them out of Glenwood and Silt because they don't want them driving and we don't want them driving past an office facility. For the long range, everything was to come up the Hunter Mesa Road for the Road and Bridge Shop. Ed said those improvements on that road were driven by the City of Rifle. Randy said it is cheaper to do this in this time frame. Commissioner McCown said with very little improvement, the Hunter Mesa Road would suffice for the Road and Bridge Shop. Randy, but basically this will not satisfy the City of Rifle annexation. Commissioner McCown – we had to build that road to our shop to satisfy the City of Rifle. That's the first I've heard about that negotiation too. Commissioner Stowe said it actually makes sense to go ahead and use that road since we are putting it in, and then just put it in the long range plans for an alternate route once we start developing the rest of that complex. We could probably do that upgrade on the Hunter Mesa Road ourselves with our own equipment if we had a year or two to work on it. Commissioner McCown said that is what was talked about. Commissioners Stowe said that would be a good fill in project for Tom right at the shop when other jobs were cancelled since we have to build the one anyway, and we will arguably need it for future expansion of that project – it is included in this price. He added that he agreed with Larry that he had never heard about it before, I'm not objecting to it, but questioned where it all fell through the cracks. Commissioner McCown said he does object to it if it's \$1.130,000. We could put the utilities in cheaper and utilize this other road; it would allow us to build our cinder building. Randy said the utilities were going to be the same no matter what with the loop required by the City. Tom said one of the problems we had when we first looked at the Hunter Mesa Road was how is he going to get into future development, we're not even sure where the alignment is going. It is a County Road but there were changes to be made down by the Airport Road to change the alignment where it meets into there and then some of the conversations that triggered this was what development was going to occur, to what size does the road have to be built and that's when we decided to keep it on our own property and develop it to fit our use and then like Walt said, to come in and worry about the Hunter Mesa Road when we get closer to that time. Commissioner McCown – but apparently we better not do it because we do not know where it's going to go. It cannot get off or our right of way. Tom said if the developer changes it. Commissioner McCown – only if we accept it. Tom said it is significantly cheaper to come up this way than to come all the way up the other way. Commissioner McCown – That is less than a half-mile of road. Tom – Hunter Mesa Road? Commissioner McCown – no, coming in from there and we are talking \$1.1 million. That is not cheap. Tom – well the utilities, water, sewer, combining it all together. Commissioner McCown - this is above and beyond the \$4 million dollars building proposed by CMC.

Solution Sheet: Commissioner McCown inquired about the number of lifts are we going to have in this building. Tom said there would be four lifts and he explained them to the Board. Three new and one coming from Glenwood Springs. He explained the need saying they were trying to build in efficiency. Commissioner McCown was concerned about overbuilding. He added that if he were to come over to the shop, would he see both of the lifts busy. Tom responded maybe not, it depends on what work is being done that particular time and day. Randy mentioned he didn't have the breakdown Larry requested on the offside road. Commissioner McCown reiterated that this is a complete surprise to him and the other two Commissioners that this was taking place, the only conversation was utilizing the Hunter Mesa Road for the Road and Bridge Facility and concurs that is exactly where utilities need to go, but said he has a problem building the road apparently to the standards we are building it to and then later and building Hunter Mesa to the standards we will have to build it to and then disallowing the truck traffic on the portion down through the rest of our county facility – this is a problem. Commissioner Stowe said it would be nice to see how much that will cost. I'd be comfortable going ahead and approving the part of this with CMC as far as the building, etc. but before we decide whether we should come up Hunter Mesa Road or actually building the other road and obviously the utilities need to be where Tom pointed out and shouldn't hold up any of the project while we're trying to decide where we are going to put that road or if we're just going to build up Hunter Mesa.

Commissioner Stowe made a motion to approve the rest of the contracts other than the actual establishment and positioning of the access road to the Road and Bridge Shop until we've had further chance to review that information. Commissioner McCown seconded the motion. Motion carried. Commissioner Stowe mentioned what he thought was Larry's concern was that if there is a cost savings in using the old Hunter Mesa Road and if the City of Rifle will allow us not to build that road, then the cost savings will allow us to build the cinder building. Commissioner McCown stated he had no idea this was a part of the pre-annexation agreement for the Road and Bridge Facility, it is for the other County facilities, but didn't think

it was for the Road and Bridge Shop. Randy said they would look at it, that's what the City of Rifle threw at them. Don was requested to look into this for the Board; it was determined that more research was necessary and then Don and Randy would come back before the Board. Don stated that upon receiving the Certificate of Occupancy, it will trigger an annexation requirement to the City of Rifle and that may be part of the road improvement issue. Ed said the point we need to remember is that this wasn't the first building that we had originally anticipated building; it was a jail facility. So, the agreement was structured accordingly. Commissioner McCown said the access to the jail agreement was off the Airport Road clearly; this one isn't. Don agreed this was true. Commissioner McCown stated we have approved this contract and asked if this has been through the City Planning and Zoning and City Council of Rifle. Don said this contract has not. Commissioner McCown more specifically referenced this proposal to build this facility. Randy said his understanding was that we did not have to go through the City of Rifle for this building; Don confirmed that to be correct, this building is in the County; it is on issuance of the CO that we precede with annexation. Commissioner McCown – and then any future building on that site will have to be approved by them because they are not just annexing this, they are annexing a parcel of property. Don said that's correct and he would need to get the agreement and look at the method by which they permits were approved; his recollection of this is that there's a process even subsequent annexation where we are still responsible for doing the building inspections, but he would need to look at the agreements.

Four-Mile Drainage - Tom Russell

Chairman Martin reported that on Four Mile, drainage down to the Christian property was flooding and the runoff was going down into his basement. He claims because the culvert is full of mud is what is causing the problem. Sand bags were supposed to be delivered but didn't make it on time.

Tom said they did deliver some sand bags to the property owner. Yes, there is a problem with water running down through there, didn't doubt there was mud in the culvert, but there are a bunch of 55 gallon drums welded end to end. This goes through private property. He thinks the biggest problem is ice and we've experienced that in all of the County culverts. It's all on their property and they are looking at about 350-foot of unknown. Chairman Martin said he is claiming the intake right next to the road was filled up with mud in the original and never been cleaned out by the contractor and the County hasn't addressed it either. He asked Tom to look into this situation.

Pothole – CR 154 at Buffalo Valley Turnoff

Chairman Martin requested the pothole on CR 154 to be filled as soon as possible. He said he has had several calls this week, \$300 worth of damage to a Porsche front-end as well as a couple of flat tires on a different vehicle. It is a dangerous situation and worse than he's ever seen. Discussion continued on various ways to get this problem solved. Tom said they do have some patch material, so they will patch the hole.

CATHOLIC CHARITIES – HISPANIC AND IMMIGRANT NEEDS – TOM ZEMAN

Tom Zeman submitted a handout regarding the closing of Asistencia Para Latino and addressed advocacy to address the problems. One of the things they are doing is hiring a person that will be based here and in Avon to provide preventative types of assistance including orientation to the cultural differences in the laws and customs of the US provide immigration services and offer paralegal assistance. He feels this will be a great benefit to the people and to employers. Work prevention programs to develop better employees and more effective and efficient; Immigration Services have been providing these services without the certifications not certified by INS. Services for Immigration have always been provided by Catholic Charities and they will continue to supply these services. Tom stated they had received a donation of \$25,000 from Eagle County; they have received an \$18,000 Grant for the Legal Assistant.

Mission: Catholic Charities is a large social service agent offering equal employment opportunities to employees; they provide services to low-income individuals.

Chairman Martin mentioned that the County Social Services Director, Margaret Long highly recommended Catholic Charities. He said the County allocated \$5,000 Asistencia Para Latinos in a Human Services Grant at the latter part of 2001 for the year 2002. Tom said some have reported that Asistencia was doing too many things. The office here and in Avon is small and they are focused; they are serving those undocumented already. Commissioner McCown mentioned that serving undocumented is a problem for the County. The Human Services Committee was assigned by the Commissioners to review the grants, that committee will convene and decide on a recommendation of a grant to Catholic Charities. That is called the "Grant Approval Committee" for the Human Services Grants. They recommend and the Board approvals or disapproves.

Catholic Charities will be asking for the grants formally granted to Asistencia Para Latinos – they will have to make a new application. The \$5,000 grant has been held in abeyance.

DISCUSSION ON LEASE – VALLEY VIEW HOSPITAL – BOARD OF DIRECTORS

Mark Gould was present.

Chairman Martin notified Mark Gould that the Board would re-invite them to come on the March 25, 2001 agenda as well as make a formal invitation to discuss mutual concerns regarding leases and building concerns.

MAJOR DEVELOPMENT FOR CITY PARKING LOT ALONG 7TH STREET

Don DeFord, Kim Schlagel and Shelly Couch, Consultant to the City of Glenwood Springs were present. On February 27, the County received a plat. They are going to P & Z on the 26th and hope to be finished by August 2002. Shelly pointed the design on the plat. Ed said the discussions included access for heavy equipment for future demolition. Alternate Route considerations and control of intersections were discussed. Shelly indicated they would have a flashing warning light for pedestrian and assist those traveling in transit out to Midland; she also pointed the landscaping. The City is not sure if they will add this now or later. The long-range plan is to shut down 7th Street, but there is no time frame. Chairman Martin mentioned the sidewalk proposed goes right by the Work Release exit and entry. He mentioned coordinating the efforts. Don expressed his concerns as well. The proposed exits of the parking lots, Railroad property, etc. were discussed. Don mentioned the City maintains that liability, as Pitkin Avenue was not vacated up to the jail from 7th Street. Thus far, there has not been a way to get to the buildings from the Railroad parking currently being used. Shelly said she was not sure of the access they were referencing. Don said that RFHTA owns it and the Railroad has authority to use it, but he was not sure of the details. Don and Larry Menzer agreed that there is portion that has to be left open for the Railroad access. The Board stated that the County needs a point person to work on this is not in our scope. Commissioner McCown commented on our portion of the parking accessed to 7th Street as well as RFHTA, the City and the Union Pacific Railroad saying the City took over the contract the County had originally. Shelly agreed to research this issue.

Commissioner McCown said it was a City facility and their issue; therefore, he felt the City could make a crosswalk in a better location for safety concerns. Kim added that she will work with Shelly and that the City had requested comments by March 15. Kim will draft a letter for the Chair's signature incorporating the comments.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that the Chair be authorized to sign a comment letter to the City. Motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

David Hicks – Issues with the Building Department

David presented handouts to the Board for the following issues with the Building Department.

1. Permit No. 7744 – the CO was issued over a year ago December time frame of 2000; Bell County Homes placed the modular unit on a ranch. Bell County Homes has gone out of business. Bell County provided the financing and the mortgage company always require a CO. The inspections were done, and he has the dates and times of whom they called, Andy was the inspector. David said he wrote to the Building & Planning Department giving them the information that the CO has been issued. It is a baffling situation.
2. Resolution 98-99 approval for barn/shop/two apartments in one structure on my ranch in 1998 or 1999. It was permitted, issued a CO, occupied and as a result of an inspection that was requested by the Town of Carbondale related to a water lawsuit that they had with David. The requested the County to review the uses on the ranch and that's what generated the start of the process he is here today to discuss with the Board. The claim was at that point that the County had mistakenly issued him a permit to build the structure. And that the two apartments were employee use, which David and his father occupy. And as employee housing we were not allowed to occupy those residences. Mark Bean suggested that as a way to do rectify the situation, David should split a 35-acre parcel off his ranch and then it would be a separate parcel and this would be the only structure on it and whatever issues they decided they had missed in the first place would go away. Well, he did this and received another letter from Carbondale saying this still wasn't good enough, that David needed to have a special use; it still was a zoning violation and it wasn't an allowed use and that he would need to do a special use process. David's attorney reviewed the situation and spouted off the case law and how something is permitted, it's deemed in compliance of the zoning regulations. David told Mark Bean and David did apply for a special use permit. that he would agree to go along with the special use permit, and Mark's claim to him was that it would allow those units to be free market units and David could rent them to anybody. David said he told Mark he would go

through the special use process if there were some benefit to David, if not, then there would be no interest. David submitted an application on 2/20/2001. David stated on the special use permit application that it was subject to the fact that he didn't believe this was necessary but in getting free-market units, we will go along with it. Nine months later David received a letter from Building & Planning that they need more information. Most of that was in provided in his initial application. David neglected responding to it, she called back and talked to David's wife Connie one other time but Connie forgot about it and the next letter he received was from Steve Hackett threatening that if David doesn't deal with this, he would have to come in front of the Board. So, David said he'd like to start the process right now, he said he has wasted enough of his life on this issue and sure it has wasted enough of staff's time, but he is frustrated with it. The Commissioners do not have all the details, but letters like this threatening legal action and imprisonment and fines, etc. over a process was too much. Chairman Martin said since David has brought the issues to the Board's attention, now they need to make sure that they have the answers and said he thought they needed to do an inquiry, get the facts together and then respond.

Steve was requested to research and report to them.

Commissioner McCown – Building Permit was issued – why issued with multi-housing without a SUP.

The Board told David Hicks they would look into it.

REQUEST FOR APPROVAL TO AMEND BUILDING ENVELOPE DUE TO RECENTLY ACQUIRED WETLANDS INFORMATION. LOCATION: LOT 2, ELDER SUBDIVISION.

APPLICANT: HEIDI WADE

Kim Sleagel, Don DeFord and Paul Wade for Heidi were present.

The Board acknowledged the applicant was told to notice in error.

Chairman Martin swore in the speakers.

Kim stated that this is a request to amend the Plat for Lot 2 of Elder Subdivision. The parcel is located at TBD address on Surrey Street.

The owners of the parcel, Paul and Heidi Wade, would like to move the location of the wetland boundary on their lot due to recently acquired information from the U. S. Army Corps of Engineers. The applicant has provided a letter from the U. S. Army Corps of Engineers stating that the building envelope of Lot 2, Elder Subdivision has jurisdictional wetlands within the boundary. As can be seen on the Plat provided, the wetland delineation affects the preexisting building envelope in a minor way.

Staff supports the request to amend the Plat to show the most current site information and requests the Board to approve this amended plat request.

Paul Wade explained that they chose to amend the plat versus filling in with dirt. The building envelope is slightly larger due to the wetlands.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the applicant to amend the building envelope due to recently acquired wetlands information; motion carried.

REQUEST FOR APPROVAL FOR SPECIAL USE PERMIT TO BUILD AN ACCESSORY DWELLING UNIT. LOCATION: 1114 COUNTY ROAD 137. APPLICANT: ELIZABETH AMRSTRONG/MICHELLE AFORD

Kim Sleagel, Elisabeth Armstrong and Don DeFord were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits:

Exhibit A – Green & White Mail Receipts; Exhibit B; Proof of Publication; Exhibit C – Application; Exhibit D – Staff Report and Project Information; and Exhibit E – Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin entered Exhibits A - E into the record.

Kim - This is a request for approval of a Special Use Permit to allow an accessory dwelling unit on a 50-acre parcel of land located on the Canyon Creek Road, County Road 137. The applicant is proposing to permit an existing cabin already located on the lot as an accessory dwelling unit so that they may build an additional home as a primary residence.

Recommendation:

Staff recommends Approval, of the applied for Special Use Permit, with the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

2. The applicant shall meet all requirements of the Garfield County Zoning Resolution requirements.
3. That the following information must be provided to the Planning Department prior to issuance of a special use permit:
 - 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 two (2) dwelling units.
 - 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 an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, and suspended solids.

4. This approval shall be valid until 3/11/03. If the applicant fails to meet these conditions by 03/11/03, and subsequently the special use permit is never issued, the approval shall be automatically revoked, unless an extension is granted by the Board of County Commissioners.

Kim stated they did submit the well permit and the analysis of the water – it appears the water is in compliance and a well permit that is adequate to serve the request. The sewer needs will be met by ISDS system.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow an Accessory Dwelling Unit with Conditions 1, and 2, striking 3 and 4; motion carried.

ALLEGED VIOLATION AND INVESTIGATION: PAUL ANDERSON, 6847 COUNTY ROAD 214, NEW CASTLE.

Don DeFord, Steve Hackett – County Code Enforcement, and Paul Anderson were present.

Steve stated that Mr. Anderson has an alleged illegally occupied cabin on his property in May of 2001. On the property, according to the Assessor's records is a single-family primary residence, several sheds and a bunk house. The bunk house is allegedly being used as a rental which is violation of County Zoning Regulations in the A/R/RD – there is no record of a Special Use Permit being issued in the Building & Planning records for an accessory dwelling on the property. Steve added, as a result of the violation, he sent certified returned letters of he had written Mr. Anderson on June 18, 2001, September 14, 2001, December 18, 2001 and February 18, 2002 regarding the complaints. Mr. Anderson did not respond to any of these communications and finally Steve asked Paul Anderson if he would attend a meeting before the Board where he would present the case and Paul would have the opportunity to ask questions and/or give information he wished to give. In addition, present today is Joanne Moon who is a neighbor and one of the neighbors who has reported to Steve this alleged illegal rental unit.

Paul Anderson stated, this states owner lives on property that he has been renting 300 square foot cabin, also on said property for over two years – there are two men, if not more, living in the cabin. The property is less than three acres in size. This false – there is one person up there, not two and I do have three acres. My question is, when did this cabin cease to become a rental property cabin. As it was built in the 1920's – 1930's – it has always been a rental cabin, when I bought this piece of property, at least ten years ago, it was a rental property.

Steve Hackett stated there are occasions, Mr. Anderson, when we have what is called a non-conforming pre-existing use. Which means that if the cabin on the property was in use as a rental unit prior to the enactment of Zoning Regulations in Garfield County, which was basically in 1973, and if it was used continuously before and after that date, then it can be used as a rental unit and exist as a pre-existing non-conforming use. Since there was no response to any of Steve's communications, he never had an opportunity to discuss this with Paul Anderson. What we would require would be for Paul to demonstrate to the County that the building has been in use as a rental from prior to and continuously since Zoning Regulations took effect in the County in 1973.

Paul Anderson – I have to prove that to you.

Steve – We need to have this demonstrated to us. In addition, this can be accomplished with you rental receipts with records that Paul may keep about rental.

Commissioner McCown – Previous owner's records. The individual that sold the property to you may have previous knowledge on the use of the unit.

Commissioner Stowe added that Paul did not need to account for every month, just develop some sort of a history leading the Board to believe that it was continually rented.

Chairman Martin – We are going by our previous rules and regulations and if we have an attempt to exempt you from them due to pre-rule use, then Paul would be able to be grand fathered in. We do need to have proof that you are legally grand fathered into the rules and regulations at the present time.

Paul – since the cabin was built in the 1930's and a house there; does not that prove that it was built for an accessory dwelling?

Steve – According to the Assessor's records, it show this cabin as a bunk house – this could have been established as far back as ancient history perhaps if that property was part of working orchard, or a ranch operation. A bunkhouse would have been allowed, however at that time there was no Zoning Regulations. It probably was a part of a larger parcel that was a ranch, the bunk was built and used as a bunkhouse and the property may subsequently have been divided into the three-acre parcels, which you now own with the existing bunkhouse. The bunkhouse, however, would not have been legally able to be used as a rental unit. A bunkhouse typically is for those who work on a ranch and make a living on the ranch, sleep and eat on the property – not a free-market rental unit.

Commissioner McCown – today it would be called employee housing.

Steve – Basically, what you need to do, Paul, is demonstrate that the bunkhouse was and continues to be in use as a rental prior to and after 1973.

Commissioner McCown – Three acres, on its face, would not qualify for an accessory dwelling because the property must be in excess of four acres under current day zoning.

Chairman Martin – Unless it was an immediate family – if it was immediate family that lived in the cabin, you could have it accepted. It would not be a rental.

Steve – Mr. Anderson purchased the property in 1980's from someone who is not his family.

Paul Anderson confirmed this was true. When he did look at and later purchased the property, there was a rental occupant. They moved out when he purchased the property.

Steve Hackett – Do the best you can to establish to us that this was used as a rental unit, perhaps by contacting the former owner and getting an affidavit from the former owners that testifies to us that the bunkhouse was used as a rental.

Commissioner McCown asked Paul if there was any reason why he did not respond to the certified mail sent by Steve Hackett starting in June of 2000.

Paul Anderson – I just did not think that I was not in compliance and figured it was going to have to come to something like this.

Steve – We could have worked something out between us.

Chairman Martin – Now that this has been brought to the Board's attention, we are having an administrative hearing and to bring it forward and make it part of a public record. This is where it is now, we have to follow our rules and regulations, and hopefully you will cooperate with use, work with Steve, and supply the information we are requesting.

Commissioner McCown – What kind of a time-line is reasonable?

Steve Hackett – If we can have a response concerning previous use within the next 30 days that would satisfy the concern.

Commissioner McCown – [Originally stated April 22, however, later in the meeting this was changed to April 15 due to a Planner in Building and Planning has already scheduled a Public Hearing on April 15th.

Paul Anderson was to be notified of the change.

Joanne Moon was hoping it didn't come to this but for the last three years has been telling the neighbors that he was going to tell the renter to move out and every time he says, I'm going to have the guy move out in two months; the guy is still there. He's a menace, his dog is a menace, all of the neighbors have complained about him being there. There is traffic coming up and down our driveway all day long, every single day. The dog barks all day long, he weight about 150 pounds, they are right out our front door. It's been terrible, there has been more than one person living in there which was not this past winter but the winter before that his son was living there and another friend of his sons. There were three people living in there. We've seen urinating constantly out of the front door of the cabin from people that are over there; there's parties and this last summer there weren't any parties, but the two summers before that, party

central was out in front of that cabin. It would start before his renter even got home. There have been days when I sat and watched the traffic for four hours coming up our driveway pulling into his renter's unit and they will be sixteen, seventeen cars. They stay for a few minutes and leave. The people that come over there and party bring their teenagers and adults are partying so, the teenagers are in our yard. Last summer they threw boulders into the ditch; they had to be removed with a bulldozer. It has been a nightmare and we have complained to Paul about everything. He keeps promising us that he will have him move out. I have been calling the Sheriff on his dog lately and it is awful. We bought our dream house there – no one was renting that place before we moved in. In 1996 there was no one in there, 1997 there was no one in there, 1998 there was not one in there and in 1999 is when Andy moved in and it's been a nightmare. I was hoping it did not have to come to this.

Chairman Martin – If you have an issue with the guests and their behavior, you are doing the right thing by calling the Sheriff.

Joanne – It's scary for me because my children are at home alone – we don't know what kind of people are over there – it's really been bad.

Commissioner McCown – It is a shared driveway agreement.

Joanne – Yes, it's owned by Paul, myself and my boyfriend, the Fregies which live on the other side of Paul and Holly and Bret Johnson which live above us – so there's four owners for the driveway, and they're right outside my front door.

Chairman Martin – The only solution I have at the present time is to continue to call if there are behavioral problems and you'll have to report that. Paul has his duty to go ahead and work with Steve. So, that's where it is. We hope to go ahead and keep it as friendly as possible and resolve the issue amongst us and if not, then we have to take other action. We want to take this step first.

Commissioner Stowe – Steve, you mentioned it had to rented continually? What does this mean?

Steve Hackett – In the case of a pre-existing non-conforming use, Mr. Anderson has to demonstrate to us continued use as a rental. If the use is discontinued or abandoned for a period of six months, it loses its status as pre-existing non-conforming. Therefore, it sounds to me as though for a period of two or three years that Ms. Moon has cited. If the cabin was not in use as a rental, even though it may have been prior to Zoning Regulations taking effect in approximately 1973, it has lost its non-conforming pre-existing status because the use was abandoned for a period of six months or more.

Paul – One question, what if I moved into the cabin, would that be okay?

Steve – it is not a legal dwelling as far as I can determine, sir.

Paul – It's not a legal dwelling, I could live there myself and...?

Steve – No, it has designated on the Assessor's Records as a bunkhouse and in that Zone District, you are only allowed to have one residential building unless there is a special use permit for an accessory dwelling.

Commissioner McCown – And in this case there could not be a special use permit granted because it does not meet the acreage requirement.

Steve – It requires a minimum of four acres is required to have an accessory dwelling.

Commissioner McCown – Sounds like your only hope to keep it status-quo is that you can show us record of potential rental prior to the 1973 date when the Zoning Regulations went to effect to the present day.

Steve – Without a six-month break.

Commissioner McCown – Show us that it was rental property prior to the 1973 Zoning Regulations without a six-month break to now, that its intent and purpose was rental property and has been used as that.

Paul Anderson – Ok.

Chairman Martin thanked Paul for coming; if there are other questions, please get in touch with Steve and we will go from there.

RECESS until 7:00 A.M. Tuesday Morning, March 12, 2002

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

Attest:

Chairman of the Board

MARCH 19, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 8:06 A.M. on Monday, March 25, 2002, with Chairman John Martin and Commissioners Larry McCown present via telephone.

Commissioner Walt Stowe was absent. Also present were County Manager Ed Green, County Attorney Don DeFord, County Engineer Randy Withee and Mildred Alsdorf Clerk & Recorder.

ANNEXATION IMPACT REPORT

Don DeFord said he had received the Annexation Impact Report from Karl Hanlon and distributed the report to the Board.

The first order of business today was to decide what, if anything, the Board wanted to do in terms of a response to the annexation impact report prior to the 21st of March. It does appear that this is not the date they are going to have their hearing now.

Chairman Martin said we seem to have an incomplete report from the City of Glenwood Springs, the questions we presented to them hasn't been answered either, our impact study on traffic, addressed by a couple million of dollars that the developer is going to give them, but it really doesn't really give us any idea of what the infrastructure is going to be, the impact on their public works, their police department, how they resolved the issue with West Glenwood Sanitation, is still complete.

Commissioner McCown agreed. He said he didn't know exactly what we need to look for here or how much brain damage we should do, because they are going to move forward as we all know. However, how much brain damage do we want to do to try to get what we want? He did not think we would get a lot more out of them.

Don said there is a two-step process we're dealing with: the first, Hanlon indicated in his letter accurately was under our Intergovernmental Agreement last fall they sent us an initial report and the Board accurately decided not to take any response in hand. Now of course at that time, many of the things are on the table today were not even a glimmer in our eye that may have been in the City's but nobody knew about it. Therefore, the questions of the Downtown Development Association impact and other impacts were not before the Board. The second step is: the impact report and under State law you are not required to respond to, it's not even indicated in the statute if you should respond to it, it simply is a report that the City is required to file with the County. He added that Hanlon's arguments are debatable at least if not incorrect on a couple of statutory provisions. At the end of the day, there is no case under which a County has challenged an annexation for impact report that is deficient.

Chairman Martin – there's one other question on the debris flow or the drainage, do we need to go into that at this time before annexation or is that a plan that must be approved by the City and the developer?

Don – that is a plan that is approved by the City and the developer but now is the time to comment if the Board wants to comment.

Chairman Martin – right, because you have quite a bit of damage that was done on the buildings down below that development, Coors Distributing, the Rafting Outfit, the Grain Operation – how are they going to handle the drainage off that property once it is developed? There was nothing in the report on it.

Don – he did not either in the report. They have the forty-eight conditions they intend to attach to this annexation.

Commissioner McCown reference Condition No. 33 – “Glenwood Meadows shall revise the debris flow mitigation to address re-vegetation of the berms attended facilities. These provisions shall be subject to review of the Community Development, so there is a debris flow plan in place; it was just not given to the County.

Don – and thirty-one as well.

Commissioner McCown – it does address the debris flow mitigation plan again. A question on number eight in the conditions, this is very vague.

Don – read condition number eight into the record as Chairman Martin did not have the report in front of him: “Glenwood Meadows shall be responsible for a hundred percent of the costs associated with development of one or two intersections for roadways intersecting Midland Avenue, all design construction shall be subject to the approval of the City Engineer. Don said he would read that as the two roadways that are anticipated coming from the development onto Midland.

Commissioner McCown – but that is not anticipating 8th Street.

Don – No, that is strictly the new roads that provide access into the development.

Commissioner McCown – it is very vague and does not say Wulfshon Road – it does not say two intersections, it says one or two.

Don – in thinking about the County's review opportunities and he might have been inaccurate earlier because after they come into the City, they should have to do a major development plan under the City code. And under our IGA they will again have to submit that to us and that may have more detail. All of this is strictly advisory; none of this is something under which you can compel them to do one thing or another.

Commissioner McCown – all we can do is ask questions and they can respond, or they do not have to.

Don – reminded the Board that they do have an opportunity to say things. In terms of the annexation impact report, are their issues that you want to comment on that or are either incomplete or not adequately addressed in your opinion.

Chairman Martin – that's what the whole idea was it to say that we received incomplete information or information that had been changed without revision and there was not enough time to review it, not enough detail, and time to ask questions. This is all we can say.

Commissioner McCown – Are they going to refer back to the time frame that Mr. Hanlon alluded to in his letter?

Don – it probably will and my response to that is under the statute, they are supposed to submit an annexation impact report and then by law submit it to the Commissioners within five days after that report is complete. Well, if you count backwards that means that this annexation impact report that McGregor did, while it was submitted to you clearly at the end of February and way after they had addressed mitigation issues, the report itself had to have been prepared after they did all of those mitigation things as well. And they still didn't include any of that material in the report and the intent of the impact report is not just a Performa, throw up anything that we can find in the files, it is supposed to advise you and the public of what is happening. It seems to me that at a minimum that you can respond in that type of a vein that, if we are trying to go for substance and not form here, their report was incomplete. However, it is sort of stamping your feet.

Chairman Martin said it was worth it just to get their attention; there's a lot of people that still have question on it that the City has not satisfied and may not ever satisfy everybody but I think they need to be upfront with us and say this is what's taking place, this is how we're going to mitigate it and they haven't given us that information yet.

Don asked, at this point, do you want me to draft a letter that simple would say the report is incomplete, one through the timing on what they should have done and indicate that such issues as the firm statement on the involvement of the DDA and impacts to roads outside of the development outside itself haven't been addressed. Is that enough at this point, or do you want something more detailed than that?

Commissioner McCown said that would address my concerns.

Chairman Martin said he didn't need more than that, I think we've talked over this several times and they know our opinion and agreed to have Don proceed with this.

Don suggested then that we have a motion authorizing the Chair to sign a letter to the City of Glenwood Springs indicating that we believe their impact report in regard to the Wulfshon Ranch Annexation or Glenwood Meadows, however dominated, is incomplete, inadequate, and does not adequately address issues such as off-site roads, involvement of the DDA and other issues that the Chair may identify by tomorrow.

Commissioner McCown so moved; Chairman Martin seconded; motion carried.

Issue – Utility Companies – Frost Law – Restricted Roads

Ed Green said that Commissioner McCown brought this to his attention yesterday and he discussed the matter with Kent Benham with Holy Cross. Basically they have several boom trucks that are around 35,000 pounds and usually they are less than that, however, when they need to accomplish repairs particularly involving transformers, when they attach those transformers on the boom trucks, they are heavier.

Therefore, they spend a lot of time faxing requests to the Road and Bridge for frost law considerations and exemptions. They requested if there is some way that these boom trucks can be exempted from that paperwork process. Don and I looked at the regulations yesterday, there is a provision that allows for an operational exception for public utility entities, and the County Commissioners can grant that exemption.

Don said under your current regulations, Tom as the Road and Bridge Supervisor is specifically authorized by regulation to set the restrictions for temporary closure or frost law, so in discussing it, what we thought is that it would be appropriate for Tom to post a restriction that if a utility company has received a written exception by the Board of County Commissioners to the frost law weight restrictions, then they are entitled to use the roadway. That will have to be posted on the road. Now under that restriction, the Commissioners

would sign off on a letter granting that exception. The purpose of having the Board to this and sign off on the letter is to that the utility company's trucks would actually have in the truck a written document signed by the Chair so if they get stopped by C-DOT, they have written proof that they are operating lawfully. Ed said that he prepared a letter and read it into the record, this is addressed to Richard Brinkley as the General Manager of Regulated Services for Holy Cross, "Dear Sir, your staff has brought to our attention concerning us about recurring operational problems related to the County's Frost Law Regulations. In an effort to remedy this matter, the Board of County Commissioners has considered certain aspects of your operation for exemption. We understand that your principal concern is with respect to the boom trucks that your organization uses to accomplish repairs of service lines throughout the County. According to Kent Benham these trucks are normally under the 35,000-pound limit unless they are carrying replacement transformers and other equipment as necessary to accomplish repairs. At such time, the total weight of the vehicle exceeds the 35,000 limits by about a thousand pounds. Since these vehicles are used continuously day and night and on weekends, we agree that it is impracticable for Holy Cross Electric to obtain permits on a daily basis for situations in which the trucks may or may not be slightly over the weight limit. Additionally, we understand that an overweight situation is not something that is not something that is known until the last minute when emergency repairs often have to make to restore service to County customers. Accordingly, the Board of County Commissioners has authorized me as Chairman to provide you this letter that serves as a public utility operational exception to our Frost Law Provisions for the boom trucks class repair vehicles. These vehicles will be limited to a maximum load of 40,000 pounds for specific vehicles authorized for exemption and their identification numbers are as follows: (this includes a list of fifteen vehicles). We understand that Holy Cross Electric agrees to abide by all other aspects of the County Operational Regulations including weight restrictions for other equipment and length restrictions for all equipment including the above boom trucks. The agreement of the provisions of this letter, please counter sign and return an executed copy to my office within a week. Should you have further questions concerning the matter, contact Ed Green and Tom Russell."

Commissioner McCown said he made the point yesterday that we need to afford the same consideration to Excel Energy or Public Service should that be derived. They do have some service involvement by the dealer state as well, but primarily Holy Cross.

Commissioner McCown made a motion that the Chair be authorized to sign the letter to Holy Cross Electric regarding special exemptions to the Frost Law. Chairman Martin seconded the motion; motion carried.

Ed said we had some difficulty obtaining the paperwork and adjustment in language from the City of Glenwood Springs on the Right of First Refusal.

Don said when we got it, it had not been signed by the City and so we have to sign it and send it back to the City, they will not sign it until their meeting this week, so we won't have an agreement in place. We are trying to go ahead with an advertisement that provides notice to people that is it subject to this agreement, which technically will not be in place until we get it signed.

Ed said Jesse told Tim to just go ahead and publish the advertisement.

Don agreed this is appropriate because the City drafted the First Right of Refusal document.

Adjourn

Attest:

Chairman of the Board

MARCH 25, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:06 A.M. on Monday, March 25, 2002, with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:06 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Ed Rosenberg, whose address is 0176 County Road 156, Glenwood Springs, described a problem he was having with vacant property next to him on County Road 156. He explained that the landlord Stella Olson is an elderly woman whom he has had trouble communicating with and getting any results from his requests. He stated that there is a problem with trash build up which adds to the bear problems already in existence in that location and the noise from past tenants usually late at night when they would return from the bar. He stated his fear in communicating with tenants because of the drinking. There have been numerous instances of loud and obnoxious behavior in the early morning hours, along with one instance of gunshots on the Old Cardiff Bridge, which has caused his wife to want to move from the area. He asked the County's assistance in trash and tenant problems with the property.

COUNTY MANAGER UPDATE – ED GREEN

Approve Vouchers with No Receipts

County Comptroller Lois Hybarger gave a brief presentation in regards to putting a ceiling (per diem) on vouchers pertaining to money amounts on various items within the Social Services Department, i.e. lunches, dinners and travel, and specific guidelines regarding these items. Commissioner Martin asked for a study about this first. Commissioner McCown suggested a rollback on items that are beyond the limits of per diem. Lois asked for an assigned agenda or verification on certain items to determine specifics. Commissioner McCown stated a possible conflict on certain items at this time such as items not signed by a supervisor. Jesse Smith stated that some employees might think that they are still on the State per diem, but they are now on the County's policy as of February 14, 2002. Lois asked for a review of the items by the Commissioners at next Monday's meeting, April 1, 2002.

Applying Mag. Chloride to Various Garfield County Roads

Road & Bridge Director Tom Russell and Purchasing Director Tim Arnett stated that this item was put out for bid again this year with GMCO of Carbondale coming in with the lowest bid. Commissioner McCown moved to award the bid to GMCO for \$189,051.00, seconded by Commissioner Stowe. Motion carried.

Award of a Motor Grader

County Manager Ed Green gave a brief presentation on the motor grader. Ed stated that this is now in the second step of the bid process. Tim Arnett stated that there were three pre-qualified bids. The bid from Honnen Equipment of Grand Junction of a John Deere 770CH Motor Grader was the lowest bid at \$119,688.00. Commissioner Stowe moved for a motion to approve the motor grader bid of \$119,688.00, seconded by Commissioner McCown. Motion carried.

Road & Bridge Director Tom Russell discussed the monitoring of the frost law on several county roads. Commissioner Stowe voiced a concern of several rough roads in West Glenwood. Tom expressed that the plans are for some of the worst areas to be taken care of first in that particular area.

County Courthouse Plaza Door Access and Security

County Manager Ed Green stated that a card access would be used in the security process. County Engineer Randy Withee said that the work would be performed by the same security company that put in the video visitation system in the new jail. Commissioner McCown asked whether this is guaranteed to be a viable security system with the cards. Ed stated that this system is very sophisticated and secure. Randy asked whether the Commissioners would like to keep the name "Courthouse Plaza" or "Courthouse Annex" or change it. Randy stated that he would like a decision by this Friday, March 29, 2002, as they would like to get the order submitted. The consensus was "Courthouse Plaza."

Letter of Support for Land Swap between BLM and Shell Oil

County Manager Ed Green discussed the letter of support for a land swap between the Bureau of Land Management and Shell Oil. Commissioner McCown asked for verification of the period of April 1, 2002. Building & Planning Director Mark Bean verified that the deadline of April 1, 2002 is when the

Environment Assessment is due. After that review, the issues will again be addressed. Mark stated that today's meeting is to acquire comments on the meetings that were held in Rifle and Meeker in February regarding the EA. Mark stated that there would be another opportunity to discuss this item. Commissioner McCown made a motion that this letter be authorized for signature, seconded by Commissioner Stowe. Commissioner Martin wanted to verify that the total amount of land from BLM is 5,800 acres of private land as opposed to 3,500 acres of public land. The motion carried as modified.

County Manager Ed Green briefly discussed the lease agreement timeframe of the Henry Building in Rifle to Dan Young. Commissioner McCown made a motion to authorize the lease, seconded by Commissioner Stowe. Motion carried.

County Manager Ed Green gave a briefing of the meeting with the four representative counties of the County Health Pool. The four representatives consist of two from Eastern counties, a County Commissioner from Montrose and Ed Green. The four will be coming before the Board in mid-summer for total Board action. Ed stated that the data is imperfect at this time regarding the rates of large and small counties, with one assignment awaiting better data by mid-summer. The real issue is that it costs less for a life in large counties as opposed to the smaller participating counties. Commissioner McCown asked whether cost per life refers to per person. Ed verified that and stated that they are looking at a 7-year period as opposed to a 1-year period, which could take conceivably up to ten years. Commissioner McCown stated that the difference is as much as \$462 v. \$608 between small and large counties. Ed said that, across the board, the medium is approximately \$535 per person.

County Manager Ed Green announced that Wanda Berryman has accepted the position for Healthy Beginnings Director. He also announced that the new airport director would start this week.

COUNTY ATTORNEY'S UPDATE

Cattle Creek Road & Bridge Shop

Letter Agreement with Holy Cross Energy

Assistant County Attorney Carolyn Dahlgren discussed the execution of the letter agreement with Holy Cross Energy, the right-of-way easement with Holy Cross Energy and Los Amigos Ranch, the utilities agreement and non-exclusive access easement through Cattle Creek property. Carolyn said they are now waiting for Greg Bocker of Los Amigos Ranch and Balcomb & Green to get back to the County Attorney's office with the entitlement of the easement. Holy Cross is in the process of doing electric work according to a verbal agreement with Mr. Bocker. Carolyn will keep the Commissioners updated as information is received. She suggested that this item be placed on the agenda for next week. Commissioner McCown commented that in the schematic in the packet from Holy Cross, it appears that item 3-2 should go to 3-2a on county property. Carolyn stated M&M is not willing to let the line go through his property on the south side. She stated that the oral agreement between Holy Cross Energy and Greg Bocker is a good one. There was no further discussion.

EXECUTIVE SESSION

County Attorney Don DeFord asked for a brief executive session on legal matters, including a personnel matter, blight ordinance, airport items, and the Silt Road & Bridge Shop. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into Executive Session. Motion carried.

Assistant County Manager Jesse Smith, the Board, Don DeFord, and Mildred Alsdorf were to remain. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session. Motion carried.

Direction was given to Jesse Smith to provide the file to Don DeFord.

Commissioner McCown made a motion to return to Executive Session to discuss personnel and audit matters, seconded by Commissioner Stowe. Motion carried.

Commissioner Stowe made a motion to adjourn Executive Session, seconded by Commissioner McCown. Motion carried.

COMMISSIONER REPORT

The Homeowners Association of Battlement Mesa is taking steps in regards to persons having dogs in the rental units. The Association is not impressed with the Sheriff's Department in dealing with this issue. Jesse Smith talked about the Glenwood Springs City Council meeting in regards to TIF and the 8th Street bridge.

Commissioner Stowe has a Rural Resort meeting Thursday, March 28, 2002, in Gypsum. There is a meeting in Carbondale on Thursday morning with Congressman Ben Nighthorse Campbell. Commissioner

Martin has met with Diane DeGette on wilderness issues. There is a Colorado Film Commission meeting with the Chamber on Thursday, March 28, 2002, at 5:00 P.M.

CONSENT AGENDA

Approve Bills

Sign a Resolution of Approval for the exemption from the definition of Subdivision for Joseph and Velma Weinreis

Sign a Special Use Permit for Peter and Eileen Gilbert

Sign a Special Use Permit for Joe Bertone

Approval of a Resolution for the Armstrong/Alford SUP for an accessory dwelling unit

Sign a Resolution of Approval for Ted and Mary Lou Martin and Julie Kuper

Sign a Resolution of Approval and plat for the Bar Lazy Y Subdivision Exemption (James Gould)

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda. Motion carried.

ACCESSORY DWELLING UNIT. LOCATION: 202 COTTONWOOD HOLLOW LANE.

APPLICANT: MARC AND ERIN BASSETT

Chairman Martin swore in the speakers. Present were Marc and Erin Bassett with a request for a special use permit for an accessory dwelling unit at 202 Cottonwood Hollow. County Attorney Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined that they were in order and timely and advised the Commissioners they were entitled to proceed.

Planner Kim Sleagel submitted the following Exhibits: Exhibit A – Return receipts requested notices; Exhibit B – Proof of publication; Exhibit C – Zoning regulations packet; Exhibit D – Staff packet; Exhibit E – Application; and Exhibit F – Pump test

Staff recommends approval with six conditions. Condition 4 would like to eliminate 1, 2, 3, 4 and 5, keeping 6 giving the information received this morning. Don asked if the well tests should be included in the record. Kim will include them as Exhibit F. Commissioner McCown moved to approve request for special use permit with the six recommendations of staff as conditions of approval, seconded by Commissioner Stowe. No further discussion; motion carried.

SUBDIVISION REGULATION AMENDMENT – SECTION 9:18, SUBDIVISION REGULATIONS

County Attorney Don DeFord stated that the amendment is for a text amendment not a zone amendment. There were no challenges. Building & Planning Director Mark Bean stated that this request for a text amendment was originally developed as a result of property owners on Morrisiana Mesa and Antlers Orchard Subdivision. Mark said the conflict is a use by right that allows for multi-family housing and has been reviewed with the Planning Commission to change the wording in regards to zoning allowances. Commissioner McCown asked how many areas this would apply to as a use by right. Mark answered that almost all would or would be a special use. The potential conflicts with urban centers would be central water and sewer, such as West Glenwood, possibly areas around Carbondale, areas south of Rifle adjacent to or around McDonalds that have similar types of zoning. Commissioner Martin stated that this was changed in 1998 because of a split of ten-acre parcels on Morrisiana Mesa.

John Barbee was present and stated his problem with the City of Rifle and Cottonwood Park regarding multi-family housing being adjacent to municipal boundaries. Mark stated that this does not preclude multi-family, and does not change the intent of the proposed amendment from ten-acre subdivisions. Commissioner McCown stated that there are problems with commercial limited and commercial general being proper zonings for multi-family housing. Mark said that the zoning has always been that way.

Commissioner McCown moved to close the public hearing, seconded by Commissioner Stowe.

USE AN EXISTING MODULAR ON THE SITE FOR A CHURCH FACILITY. LOCATION: 0355 COUNTY ROAD 132. APPLICANT: SONLIGHT FOUR SQUARE CHURCH, BERNARD MASIMER

Chairman Martin swore in the speakers. Present were Pastor Bernard Masimer, Councilman Michael Thomas, Elder Steve Damm, and Secretary-Treasurer Carla Pronto. County Attorney Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined that they were in order and timely and advised the Commissioners they were entitled to proceed.

Planner Kim Sleagel submitted the following Exhibits: Exhibit A – Return receipts requested notices; Exhibit B – Proof of publication; Exhibit C – Zoning regulation packet; Exhibit D – Staff packet; Exhibit E – Application; and Exhibit F – Letter from Shrull. Staff recommended approval with six conditions. There were no questions from the staff. Public comment by Marsha Castlebein voiced her concern regarding the increase in traffic and the noise that would be generated. Dennis Dunlap of 0463 County Road 132 stated

that his main concern is the parking issue because County Road 132 is very narrow and could not support parking on the roadway. Joanne Stanley of 0036 Donegan Road stated that her concern is the noise, the possibility of the changing of zoning from rural to commercial, and the sewer system. Commissioner Martin explained that West Glenwood Sanitation would be responsible for the sewer system, not this Board. Kim stated that zoning would not be changed, just the conditional use. Pastor Masimer said that the original idea was to do phases, which would include only a driveway and additional parking on the property. He suggested that the County put "no parking" signs on the road. Pastor Masimer said that the church meets at the Glenwood Middle School for services on Sundays and this building will only be used for offices and small meetings. He stated that three water and sewer taps have been purchased for future use and that any future use would have to come back before this Board.

Commissioner McCown asked for further clarification of the use. Kim stated that this was a modification of an application and that they would have to reapply for another modification if there are changes. Commissioner McCown asked about the size of the property if this was to be used for other purposes. Pastor Masimer stated that 80-100 people are in the congregation. Michael Thomas stated that larger meetings would be held at the Middle School because of the space issue. Joanne Stanley asked if there would ever be more than nine people there at a time as there are only nine parking spaces. Pastor Masimer stated that shuttles could be used to drop people off or extend the parking to make room for the additional vehicles on another area of the property.

Donna Mabon-Shrull lives at 38 Donegan Road across the road from the proposed site. Her concern is noise during outside gatherings. Commissioner Stowe asked where the temporary parking sites would be located. Pastor Masimer showed the Board a map prepared by High Country Surveyors that parking would be in the field adjacent to the property from the existing driveway off County Road 132. He said that parking can be extended to the end of the property by the sheds located there now through the orchard. Parking is accessible on the site now. Joanne Stanley read a note from Dale Shrull and Donna Mabon-Shrull regarding the present lighting there now from an outside light and the car dealership. Her concern is whether there will be more lighting. Pastor Masimer stated that the lighting was there before they purchased the property and they have no intention to add further outside lighting. Dennis Dunlap asked whether the new driveway would be paved. Pastor Masimer answered not at this time, just a road base. Dennis stated that if extensive parking is provided, he is concerned about the condition of the existing road. Commissioner Martin stated that the County Road & Bridge Department would be inspecting the road when and if that occurred. The additional parking would be used for over-flow only. Kim indicated that if the noise and lighting were issues that there be physical limitations only because of the size of the building. Michael Thomas stated that outside activities could be limited only to daytime, possibly sun up to sun down. Carla Pronto stated that the only outside noise would be children playing. There was no further comment.

Commissioner McCown moved to approve the conditional use permit for the Sonlight Four Square Church with the addition of condition 7: allowing outdoor activities during daylight hours only with sound not higher than 55 decibels, and the addition of condition 8: allowing additional lighting outside if emanated downward, seconded by Commissioner Stowe. Kim clarified that daylight hours are from sun up to sun down. Motion carried as amended.

EXEMPTION APPLICATION. LOCATION: WEST OF THE CANYON CREEK EXIT ALONG COUNTY ROAD 240. APPLICANT HARLEY RIPPY

Chairman Martin swore in the speakers. Present were Harley Rippy and Steve Rippy. County Attorney Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined that they were in order and timely and advised the Commissioners they were entitled to proceed. Planner Kit Lyons stated that she had passed out a copy of the Road & Bridge comments that were summarized in the staff report. Kit explained that if the exemption is approved this property would not qualify for any further splits. The proposed source of water supply is a shared well. There is a copy of the well completion report. The Fire Protection District has identified no further qualification for fire protection needs. Staff recommendation is for approval of the addition of three lots with nine conditions. Commissioner McCown inquired of the requirement of setting back of fences and whether improvements would interfere. Kit stated that this has been approved. Steve stated that the existing driveway would be used and that the problem is the 2% grade in the access because of an existing ditch. Steve pointed out the ditch in a photograph provided to the Board. He said the 2% grade would be impossible to maintain for a 50-foot area. Steve's other comment was the requirement of a storage tank for fire protection. He stated

that there was a small pond with an eight-foot depth adjacent to one of the lots. Commissioner McCown stated that this could be frozen in the winter or dry in the summer, so that the 2,500 gallon storage tank would still be a requirement. Steve noted a change in the documents of acreage to 139 acres instead of 1,390 acres. There was no further public comment. Commissioner McCown made a motion to close the public hearing, seconded by Commissioner Stowe.

Commissioner McCown made a motion to accept the exemption with condition #6 changed to specify that a dry hydrant be available for the lots located away from the pond, and condition #7 changed to specify that given the location of the ditch and the historical use of the property, the 2% provision for the incline be denied. Commissioner Stowe seconded the motion. Kit specified clarification for exemption of the 2% grade to be for the 50-foot area only and that a plat note would be changed in regards to the storage tank. Motion carried.

SPECIAL USE PERMIT – WILLIAMS GAS PLANT AND PIPELINE

Planner Kit Lyon referred to a memo to the Board on whether staff would recommend a gas plant and pipeline north of the American Soda facility to DeBeque. The application has been reviewed and deemed technically compliant. Staff does not have any concerns that this would need to be referred to the Planning Commission. It will be scheduled for a future Board meeting.

REFERRAL OF AMEND PREVIOUS SUP GRANTED JUNE 1999. LOCATION: FAIRY CAVES. APPLICANT STEVE BECKLEY, GLENWOOD CAVERNS, INC. AND JMB PROPERTIES

Present were Steve Beckley of Fairy Caves/Glenwood Caverns, Inc. and Chuck Peterson of Glenwood Tramway Company. Planner Kim Sleagel requested approval for a special use permit for a tramway, hotel, parking lot, along with a 400 sq. ft. building to include a snack/gift shop. Staff asked for permission from the Board to review the building. Steve Beckley said there is no BLM property affected by this project and that CDOT has been contacted. Staff is now looking at the next step. All engineering work has been completed. Commissioner Martin said there was an allowance to use a contract for engineering work, but that the Board would not refer this project to the Planning Commission.

MOVE EXISTING BOUNDARY LINE. LOCATION: CANYON CREEK ESTATES LOTS 62 & 63, 508 CANYON CREEK DRIVE. APPLICANT: MATT AND KRISTINE STINSON AND BOB AND MARY LU SUMS

Building & Planning Director Mark Bean stated that there is a conflict presently on the way the two property lines are set up. The Canyon Creek Homeowners Association is in agreement with the boundary line change. Staff recommends that a plat be presented for approval on the consent agenda.

UNOFFICIAL – “MID-VALLEY RECREATION DISTRICT” BRIEFING – LAURIE SOLIDAY

Present were Mark Fuller and Lori Soliday. Mark stated that the Mid-Valley Organizing Committee is currently working toward filing an official plan for organizing a special district to provide recreational facilities in the mid-valley area near the tree farm area for development already approved by Eagle County. The boundaries are from the tree farm, Road 100 (Catherine Store), east of Ranch at Roaring Fork and west down valley towards Carbondale.

Mark stated that the boundaries are based on recreational needs within the mid-valley area. The service plan would include a \$500 bond for the majority of recreational elements, including a \$3.3 million property tax within the district. Mid-Valley expects to file the plan within the next two weeks to be able to come back to the Commissioners for further review and to be placed on the ballot for November. He added that five percent of the proposed boundary is in Garfield County. Mid-Valley is in the process of collating a survey to gauge sentiment of this recreational area. He said that preliminary indications are that it is very positive. The Garfield County voter precinct areas that would be affected are Precincts 1, 2 and 4. He said that Mid-Valley would be willing to adjust the boundary lines within Garfield County if needed.

Commissioner Martin suggested getting together with County Clerk & Recorder Mildred Alsdorf to discuss the particular affected precinct areas. County Attorney Don DeFord asked whether there were other districts involved. Mark stated that Mid-Valley Recreation District may have some overlapping members with Mid-Valley Metro District but they have no concern with Mid-Valley's plans. Don stated that there might be a technical question on duplication of services. There was no further comment.

Commissioner Martin reconvened at 12:00 Noon for a meeting with Pitkin County Commissioners during lunch. Pitkin County provided the lunch.

Items discussed included application of Mag chloride on the roads, RFTA and the service now running to Rifle, and Legislative bills and their outcomes, including growth.

The meeting with Pitkin County adjourned at 1:20 P.M.

Human Services Commission - Emergency Shelter Grant – Julie Olson

Julie Olson asked for Board approval of a \$13,000 grant for the Safe House. This grant will not cost the County. Commissioner Stowe moved to accept the grant, seconded by Commissioner McCown. Motion carried.

Women's Services

Julie Olson and Director of Legal Services Cheryl Hurst were present. Julie explained the Sexual Assault Nurses Examination (SANE) program. The program hopes to be up and running by November 2002. This program follows Mesa County's and Montrose County's programs.

Julie gave an update on Safe House issues. She said the Safe House worked with over 600 clients last year, mostly residents of Garfield County. This is up 50-60 clients from the year before.

Cheryl Hurst explained that Legal Services provides services to indigent residents of Garfield County focusing mainly on victims of domestic violence. Legal Services were able to hire a part-time staff attorney with 25 hours a month of free legal advice for the victims. Twelve clients were represented by pro bono attorneys for a total of \$57,000 in donated services. Legal Services has an average of 135 new client contacts per month of which 40% are victims of domestic violence.

Cheryl described a new court watch program to provide training and recruit volunteers to attend hearings and find out what is happening in the courtroom and where education is falling down with the juries in domestic violence cases. She said the program has been presented to Judge Ossola who is very supportive. On May 1, Supreme Court Justices in Colorado will be at the High School. There will be a 20th Anniversary reception on April 30 at the Hotel Colorado at 5:00 P.M. She invited the Board to have dinner with the Justices.

Board of Health

Present were Board of Health Director Mary Meisner and Public Health Nurse Sandra Barnett. Sandra explained the letter to be signed and agreed to by the Commissioners for the TB grant of \$60,200. Sandra said there were two reported cases of TB in the county this year, but they are no longer living here. She recommended a line item in the budget for this grant. Commissioner McCown moved the Chairman to sign the letter for the \$60,200 grant, seconded by Commissioner Stowe. Sandra said that the grant would start July 1. Motion carried.

Mary Meisner reported that at this time the County has enough flu vaccine to cover the high-risk population for this year. There are other shortages for vaccines but there has been contact with local doctors, etc. for backup needs. She has an immunization coalition now and will have a medical doctor update staff on how to handle different situations. She reported that all special needs clinics are full to capacity with 1,540 in March.

She also reported that the computer system in WIC is now working! A \$16,586 increase for WIC was received for Garfield County from the State of Colorado. Healthy Beginnings has a candidate for Director, Wanda Berryman. She stated that Healthy Beginnings received the Community Block Grant (a slight increase due to population numbers).

Board of Social Services

Director of Social Services Margaret Long reported that Garfield County received a caregiver grant from Northwest Colorado Council of Governments for \$23,000. County Manager Ed Green discussed a letter with requirements attached to the grant regarding responsibilities and inventory. There is no inventory according to Margaret as all services are "soft services." County Attorney Don DeFord stated that there might be some concern over special equipment needs. Margaret stated that special equipment needs would be involved in another type of grant, which will be coming in July. The NWCCOG grant is purely for a caregiver's respite. She stated that we are basically "brokers" giving out the benefits to the caregiver. A client arranges for the services then we pay the caregiver according to the needs provided by the caregiver. Jesse Smith stated two provisions regarding disposition of monies. Controller for Garfield County Lois Hybarger described the type of grant and requirements involved. Don did not see any need for alterations to the contract in this grant concerning the budget. Commissioner McCown made a motion for the Chairman to sign the letter contract for the grant, seconded by Commissioner Stowe.

Margaret described a rural resort intergovernmental agreement concerning county licensed childcare facilities among five counties. The IGA is now ready for approval by the other counties for their portion of the agreement. Garfield County will be the licensing agent. It is a non-exclusive licensing agreement survey regarding rural resorts with five counties and municipalities involved. The funding is originally from counties that are able to put in TANF money. It mainly deals with the licensure of childcare homes within the five counties. It is determined by the workforce of the five counties for their share of the

agreement with federal monies. The total cost is \$129,000, wherein the State of Colorado will contribute \$35,000. After the net amount, the five counties' contributions are as follows according to the workforce within each county: Garfield County contributes \$21,000, Eagle County contributes \$31,000, Pitkin County contributes approximately \$18,000, Lake County contributes \$2,300, and Summit County contributes \$21,000. Commissioner McCown asked what if the TANF funding goes away. Margaret answered that either Garfield County will drop out and/or take on its own program. She recommended the Commissioners review and the Chairman sign the documents. Don stated that this should be reviewed further and brought before the Commissioners at a future meeting. Don requested an executive session this afternoon regarding rural resort issues. Commissioner McCown made a motion to review the documents, seconded by Commissioner Stowe.

Assistant Director of Social Service Lynn Renick provided comments regarding vouchers payable for travel. Commissioner McCown questioned a considerable amount of travel costs over \$200. He asked if training sessions could be held here. Lynn stated that most of it involved child and adult placement protection outside of Garfield County using the caseworker's own vehicles. There is a contractual requirement through the State of Colorado that these individuals are seen face-to-face. They are each to be seen individually at least once a month. These caseworkers are going to the client's homes, treatment centers, training seminars, going to court, etc. Commissioner McCown asked if there are any reciprocal entities that will take over caseloads for Garfield County. Lynn stated that there are a few, but because of their caseloads, they are unable and she would like to see our caseworkers stay with the individual for personal reasons. Margaret stated that motor pool cars are also being used for some of this travel (these are running at 50 cents per mile). Commissioner McCown asked about insurance regarding personal vehicle use. Margaret stated that CTSI would cover any accidents involved with personal vehicles and motor pool vehicles. She suggested that this issue be further investigated regarding limited liability insurance. Jesse will ask Tim to check on this matter and report to the Commissioners.

Margaret passed out documentation regarding the latest TANF allocations that will be looked at by the Colorado Works Allocation Committee. They need a response by the first of April from either the Commissioners or Margaret. She strongly recommended alternative #1 to get potentially \$1.4 million or alternative #2 for \$1.2 million. She stated that alternative #2 is better for Eagle, Lake and Summit counties. The real potential for Garfield County is to take alternative #1. The consensus was to take alternative #1.

Margaret discussed another item regarding childcare resources referral services. The contract is for \$774. Margaret will modify the signature line and give to Jesse Smith for signature.

Commissioner McCown made a motion to move out of Social Services, seconded by Commissioner Stowe. Motion carried.

Airport Road Discussion

There was continued discussion on the airport road design. County Attorney Don DeFord had given the Board another draft contract regarding this. Rifle City Attorney Lee Leavenworth was present to discuss the issue of going forward with the project. Don briefly described the project as a three-phase project with proposed changes in each phases. The first phase is to the power line. The second phase is to Mamm Creek. The third phase is from Mamm Creek Road to the airport. The road would consist of three lanes; two lanes going up the hill, three lanes at the top in front of the airport, two lanes going back down to County Road 215.

Jeff Nelson from the Garfield County Engineering Department described phase 1 with three lanes on County Road 346. He prepared preliminary designs for this phase, which also consists of an estimate. County Manager Ed Green mentioned a chance at the \$3.2 million or the \$3.5 million funding, but was surprised at the estimate of almost twice that amount. Lee Leavenworth said time is running out on the DOLA agreement cycle. Lee still sees an opportunity to work this out. The design speeds at 40 miles per hour may be part of the problem, or to look at a redesign of the road at that point. The road serves the airport, residential property, and soon the county services building. Lee suggested submitting the application as is. Rifle also looked at using the airport services property as a contributor to the project. Commissioner McCown sees the County's commitment up to the "Y" and that is all. Ed said an alternative could be to focus on phase 2, benefiting the oil and gas industry and the airport. It would be cheaper to build phase 2 than phase 1 because of the grade in the road and the length. Commissioner McCown suggested not putting in the wall. Jeff said that could be done. Jeff briefly described the photographs and drawings of the road and wall. He stated that these estimates are also considered in the use of oversized, overweight vehicles, which considerably determines the cost of the road material. A contract now is in the process with HP Geotech on the road material, which he said they are awaiting the results. Jesse Smith

asked what is recommended for a safe speed design. Jeff suggested it be posted at 35, but there are also ranges and 35 would be at the low end of the range. Commissioner McCown asked what the heavy shaded black dashed lines were. Jeff explained that they show the limits on disturbed areas. Ed asked if we went from a 45 to 40, what the savings would be. Jeff answered that it would not make that much difference. Lee said the main thing is the material involved.

Bob Howard, an airport land partner, stated that even if a half million was knocked out, it would not make a difference. He added that it might make more sense to go with phase 2 first; at least something would be better than nothing. Commissioner McCown agreed to a point, but the second phase is a road to nowhere as trucks cannot get off on either side of the road because of the frost law. Maybe we should look at starting at the East end from a financing standpoint. Bob asked if there could be any FAA participation. Ed answered absolutely and that phase 3 could be started with some FAA funding. Phase 1 is the only way we can make the April 1 time line. Commissioner McCown said it is only an improvement to the industrial park but it ends there. Ed would like to work on something towards the opposite approach. Bob stated that with FAA participation, maybe phase 2 and phase 3 could be combined. Lee asked how much of the \$6 million will be used to get to the Y interchange. Jeff answered at least half of the cost, and if utilities were impacted, that would be an additional cost. Lee stated that we should keep working on this and get back to the Commissioners. Randy suggested to keep working with HP Geotech on the materials information. Bill Sappington stated that Rifle is disappointed that this project cannot get off the ground, as all of these phases are so close. Commissioner Martin asked if Rifle would be interested in obtaining a grant from DOLA for the first phase while phase 2 begins. Bill answered that it was reviewed.

Commissioner McCown made a motion for the Chairman to sign a resolution supporting Rifle's ventures of applying for a Department of Local Affairs Energy Impact Grant on their portion of the improvements of the Airport Road, seconded by Commissioner Stowe. Commissioner McCown amended his motion to include in the Resolution that Garfield County would offer on the first section \$100,000 from the Road & Bridge Fund Balance as an in-kind contribution to the City of Rifle to go with their \$200,000 contribution, seconded by Commissioner Stowe. Motion carried.

Don DeFord asked for an **Executive Session** to discuss rural resort issues. Commissioner McCown made a motion to go into Executive Session to discuss the rural resort region litigation, seconded by Commissioner Stowe. Motion carried.

Commissioner Stowe made a motion to come out of Executive Session, seconded by Commissioner McCown. Motion carried.

ADJOURN

Chairman Martin made a motion to recess the meeting until noon tomorrow, April 26, with the Valley View Hospital Board. A motion was made by Commissioner McCown to adjourn the meeting, seconded by Commissioner Stowe. Motion carried.

Attest:

Chairman of the Board

APRIL 1, 2002
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 1, 2002, with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

Employee of the Month – Linda Byers

Ed Green gave a brief introduction of Linda Byers. He stated that she has been with the Garfield County Department of Social Services since 1982, and while employed at Garfield County, she did her internship with the CSU School of Social Work, receiving her Bachelor's Degree and later a Master's Degree in Gerontology. She has been in charge of the single entry point for several years. She was congratulated and presented with a parking pass, \$50.00 and an Employee of the Month pin from the Commissioners.

Earth Day (April 22, 2002) – Free Dumping

Ed Green explained Earth Day and the questions that have been raised by several citizens if it would be appropriate to have a day of free dumping for individual residents. Ed stated that this would not be for businesses or organizations but just individuals. Commissioner McCown spoke with Tom Russell about his concerns about not extending this latitude for specialty dumps such as refrigerators, batteries, tires, and so forth that cost the County a great deal of money to process. He asked the Commissioners if they wanted to have a free day at the dump, and if so a resolution would be constructed with the appropriate caveats to accomplish that. Commissioner McCown moved for a motion for the Chairman to sign a resolution that April 22, 2002 Earth Day be declared a free day of dumping at the Garfield County Landfill for individuals only, no commercial, to take items not normally picked up by local trash collection, seconded by Commissioner Stowe. Motion carried.

Clean-up John Christner's Flooded Basement

Ed Green described this matter to the Commissioners. He stated that Road & Bridge crews were sent out to clean the roadways and culvert. Ed said the flooding, which also occurred on private land, was caused by a transition from roadway drainage to the private drainage system. Many years ago, a Mr. Cator built a 55-gallon drum drainage system through the subject property, and at the point of origin, there are bushes and trees along with a grate and chicken wire that protect the drainage system. Ed explained that these protective coverings were coated with leaves and impeded the flow of water into the drainage system. John Christner submitted a total cost of cleanup to his property from flooding for \$1,783.75 for consideration of reimbursement from the County. John explained that since last year, the County had changed the road as a lot of the runoff used to go off the road. He stated that there is a curb and gutter that diverts to a culvert that runs under his property. John said that throughout the winter it was not cleaned out, and the runoff flooded over the frozen dirt and debris in the culvert, running down his driveway to the left and into his cellar.

Commissioner Stowe asked Tom that when the road was designed with the curb and gutter system was it not designed to be an overflow should the culvert not be able to handle the water. Tom answered that it was planned in conjunction with the round about to catch some of the surface flow. He said that the water that comes down through the culvert in question here is the flow that always came down in that area in the past. He spoke with Heather McGregor, a neighbor, and she said that Mr. Cator always scraped the leaves out of the culvert and kept it clean. Tom said that what had happened is that the chicken wire at the end of the culvert had collected leaves and the water iced up causing the flow over the top and into Mr. Christner's driveway. Tom said that the leaves restricting the flow to the end of the culvert were the problem.

Commissioner Stowe asked whether the catch basin was on County property or private property. Tom stated that he believes the catch basin is on County property. Commissioner Stowe asked if the catch basin were to fill up, does the County have a design that would divert the water to channel down the middle of the road. Tom answered no. Commissioner Stowe asked if it was feasible to add a design that would do this. Tom answered that through a storm sewer or a system of storm sewers, it would be able to remove the water. Commissioner McCown asked what the County would need to do to insure that the water will not go back across Christner's property and will come down the road to the curb and gutter. He said it seemed that the curb and gutter was not serving any function at all. Tom confirmed that the curb and gutter is not serving its purpose. He said the County would have to build a structure to contain the water and eventually run it down through the curb and gutter. Commissioner Stowe again asked if that was feasible. Tom answered that it would be feasible, and that a good-sized retention pond with an overflow into the curb and gutter would have to be built. The existing curb and gutter does not go that far on County Road 116 at this time. Tom also explained that the elevation difference is approximately six feet from the bottom of the pipe to the top of the road. He said the water would have to be contained with an overflow. Commissioner Martin stated that he and Ed had inspected the damage and met with John and the neighbors, the Massingers, and that a considerable amount of water was flowing at that time over County Roads 116 and 117. He stated that sand bags were brought out by Tom's crew where John placed them to divert the water around his property, but the amount was too much to contain. Chairman Martin stated that the small park area on County Road 116 was filled with water also. Commissioner Stowe asked about structural supports at that point of the culvert, if they have been replaced and what sort of cost is anticipated. John stated that he had contacted Pattillo Associates Engineers, Inc. to do specific readings at the point of flooding. He is awaiting a report from them. John explained that he had put additional supports in that area for his peace of mind. He said the water might have pushed a few of the original supports out of the culvert. He added that there are no supports there now other than what he put in himself.

Steve Smith, a neighbor on County Road 116 next to John, explained that there was flooding last year on his property as well. He is anxious to know what is being considered in the cleanup of John's property and a solution to the flooding problem. Commissioner McCown asked Don DeFord whether the County is

liable for the cleanup of Mr. Christner's property from the water runoff at the intersection of County Roads 116 and 117, and whether the meeting should go into Executive Session for legal advice. Don stated that Executive Session would be appropriate. Commissioner McCown made a motion to go into Executive Session for legal advice on the cleanup issue, seconded by Commissioner Stowe.

Commissioner Stowe moved to come out of Executive Session, seconded by Commissioner McCown. Commissioner McCown made a motion that the staff contact the County's insurance carrier and submit Mr. Christner's estimate in the amount of \$1,783.75 in the form of a claim to the County's insurance company for cleanup of the Christner property at the intersection of County 116, specifically 0041 County Road 116, seconded by Commissioner Stowe. Motion carried. Don stated that he would be willing to assist John in submitting this information in the form of a letter to the insurance company. Commissioner McCown stated that the Engineering Department should inspect the area to determine what types of solutions can be included in the design to prevent flooding in the future.

Change in Personnel Policies and Procedures – July Osman

Ed Green stated that Human Resource Director Judy Osman would discuss a synopsis of recommendations by the Personnel Committee, along with a discussion on use of County property. Judy distributed a paper with additions to the County's Personnel Policy, respectfully item 5.12 regarding cell phone use and item 6.02 regarding personal use of county vehicles. Judy said that the Safety Committee last fall talked about cell phones, recommended additional language and submitted it to the Personnel Committee, which is the new language in item 5.12. The reason the Safety Committee looked at this is that there has been some companies that are being sued from drivers who are talking on the telephone and are killed or injured and their families come back and go after the company. Judy did say that employees probably should not be doing business while driving, as it is distracting and not a safe way to do business. She added that the issue of cell phones as County property should not be used for personal use, except for minimal use such as contacting family regarding arrival times, etc. Judy stated additional issues such as paid overtime that is being abused and the requirement of a physician's excuse for sick leave over three days. Judy said that they found the majority of supervisors were not requiring an excuse for sick leave. She is recommending that the policy be revised for the requirement of a physician's excuse if the employee is sick for more than three days. Judy also recommended that PDO days (personal days off) be made available to use for sick leave if the employee does not have additional sick days left. She is looking for uniformity in the policy on this issue. Judy added that the County is very generous in giving days off. She would like to revisit this issue with the Commissioners later since this was not on the agenda for today. Chairman Martin asked that Judy monitor this and report to the Commissioners. Commissioner McCown asked for clarification under the major sick leave policy where an individual could take two sick days and a PDO and not have to bring a doctor's excuse. Judy stated they could take three PDO days and not have to bring a doctor's excuse. They could come back on the fourth day with no excuse, but would be required to have it by the fifth day. Ed Green stated that part of the reason for this change is that some supervisors were requiring a doctor's excuse on the first day, which was really costing the County money. Mildred Alsdorf said that was because many of the employees did not understand the change in the policy several years ago when the three extra days were added into PDO days. Commissioner McCown stated that there should be clarified uniformity in this section. Commissioner McCown made a motion to approve the changes noted by the Personnel Committee regarding overtime premium pay, major sick leave and use of County property, seconded by Commissioner Stowe.

West Garfield County Landfill Trench 3B Construction – Tom Russell

Ed Green described the bid abstract for Landfill Trench 3B. He said that a total of \$300,000 was budgeted with the bid coming in just a tick over. Purchasing Director Tim Arnett stated that Gould Construction is able to perform the work within a two-month period, possibly three months maximum. Commissioner McCown asked if this entails 150,000 yards to process. Tom Russell stated that there are 196,000 to 200,000 yards once it is compacted. The work would consist of the compacted rock placed into the berm on the easterly part of the landfill. Tom stated that eventually, the berm would go all the way around the landfill. Commissioner McCown moved to award the bid to Gould Construction in the amount of \$300,500 for the excavation of Landfill Trench 3B, seconded by Commissioner Stowe. Motion carried. Chairman Martin commended Tom and his crew on the way the landfill is being operated. He had been at the landfill this week and was impressed on how the loads were being inspected, how everything was being separated and recycled. He also stated that the signs look great and makes it easy for people to get around.

Commissioner McCown asked how long it would be before the screening machine is undersized from the work they are expecting it to do. Tom stated that they are just working on a day-to-day basis with it. At this time, the machine is working fine for their needs. Craig stated that more material will have to be screened each day to produce what is needed to cover the area fill as the trash will be above the surface level. He stated that eventually there would be a need for a bigger screen. At this time, with the screen they have to be able to produce the dirt they need, it actually takes about three people. It takes too long to make the dirt with just a loader. He stated that if the machine lasts that long then the screen should last another eight to ten years. Commissioner McCown asked for a rough estimate on how much rock is being generated at the landfill. Craig answered that after the screening, out of every five buckets that are put onto the screen; two of them are rock that cannot be used. Craig would eventually like to be able to crush the extra rock. He said they have cleared a spot to the north to put the extra rock, and eventually this area will be part of the landfill. He hopes to be able to set up a crusher in that area to crush the extra rock to be used for Road & Bridge and at the landfill. Chairman Martin clarified that this rock may possibly be marketed as landscaping rocks. Craig stated that they do get a lot of people at the landfill asking to buy rock. Tom stated that the rock is also used for riprap and lining in draining areas, but that the stockpile is getting larger. Commissioner McCown stated that the County would not be in the market to sell crushed rock – if we crush it, we will use it.

Rent Two 4,000 gallon Water Trucks – Tom Russell

Ed Green briefly stated that the County is just about to the Spring Mag chloride application and there is a need to rent a couple of trucks to assure that there won't be a shortage of water application in that process. Tom Russell explained what they have noticed in the past is that when they start to apply the Mag chloride,

the three trucks that the County now has makes the process longer. He anticipates a bigger problem this year because there are some irrigation ditches the truck will not be able to pull out. He would like to rent two additional trucks that have been budgeted for to use in the application process of the Mag chloride then return them. Commissioner McCown asked if the County owned a tank truck. Tom said the County owns a tank truck that is gravity fed that is used in the process. Tom stated that, depending on the hauls, on some roads this truck cannot be turned around because of its size. In the meantime, his department is trading trucks to various areas, with some areas not being supplied. He is hoping with the rental of these two trucks, that the bottleneck created now will be taken care of. Commissioner McCown asked if there would be one crew designated ahead of the Mag chloride operation or will this be ongoing in each district. Tom stated that each district would soon be doing their own Mag chloride applications. Once the Mag chloride has been applied, he will be starting the summer schedule that he will provide to the Commissioners next week. There will five teams set up to do other various tasks throughout the County. Tom stated the reason they did not do it that way in the Mag chloride process is that each district is familiar with their own roads and what is needed. He has left the Mag chloride process to the foremen to apply, and then the summer season will officially start. Commissioner McCown said that by the nature of the number of roads, the Rifle and Silt areas have more miles for coverage of the Mag chloride. Tom said trucks are traded around all the time during this process and gravel is being laid in some areas during this time using the trucks. He does not see the need to buy two more water trucks now because they are only needed at a certain time of the year. Tom said that the rental trucks would be sufficient to finish the season. Commissioner Stowe asked why three bid requests were sent out with only one being received. Tom answered that it was because of the type of truck needed. Commissioner Stowe made a motion to approve the renting of two water trucks in the amount of \$14,000.00 for two months with the option for a third month, if needed, and that Road & Bridge come back to the Commissioners with an additional request for the third month, seconded by Commissioner McCown. Tom added that this item was budgeted for.

Discussion of Calpine Natural Gas Company's Request to Increase Well Density

Mark Bean described a request he received from Tricia Beaver of the State of Colorado Oil & Gas Conservation Commission in regards to a hearing for increased well density by Calpine. Mark stated that this request is for only one section, Section 22, T6S, R92W, the Dry Hollow area. Mark said that we have the option of requesting a local public forum per the OGCC's Regulation Section 5.08. Mark stated that this plan does not go directly to the issue that Commissioner McCown brought up; it requires us to be diligent in watching activities in that area. In doing some research, Mark said there are 27 properties identified as being in this section, 14 have houses on them. The majority of the properties are smaller being in the 7-10 acres tract limits in the Sierra Pinyon and Sierra Bluff subdivisions. The remainder are 35 acre tracts, as best as Mark can tell, although there appear to be a few that cross over sections that are larger ownerships to the West. Mark stated that he has had several telephone calls from folks in that area. He explained that the situation is that there are severed minerals, approximately 400 acres of those are federally owned minerals, the other roughly 240 acres are privately owned, of which he is not sure of ownership. Commissioner McCown stated that even though it is privately owned in this area that it is a unitized area. That was also Mark's understanding. Mark spoke to the BLM and they will control this activity and require an EA on every individual well. They do have the ability themselves to move wells around and go through some rather extensive site rehabilitation process that would apply to anything even if it was on federal land. Mark said that some of concerns from the property owners were that some of this activity may end up using some of their subdivision roads and access the roads if the drilling is to be done. In his conversations with Tricia, Mark stated that part of the negotiations that may occur or would occur with Calpine, if drilling is decided, which is still up in the air, would be the option to have a local public forum. He said that in the last meeting, we could establish and request that the OGCC establish some very specific field rules for drilling in that area. Some of those rules would apply more specifically to the private lands, but the OGCC does issue permits for the federal minerals also. Commissioner McCown stated that the main thing we would do is insure that all of the agreements are in place with the surface owners before drilling takes place. Mark stated that this is tentatively scheduled for the April 22 meeting before the OGCC. Commissioner McCown made a motion for Mark to notify the OGCC that we are requesting a public forum on this application, seconded by Commissioner Stowe. Motion carried. Ed Green added that they did receive the draft Airport Master Plan. He will be going through that with Dale and the Airport Manager, and providing the Commissioners any input that will be appropriate. Ed stated that Dale wanted to address the Commissioners in Executive Session regarding a land negotiation issue. Ed also has a personnel issue that needs attention in Executive Session as well. Commissioner McCown asked Don DeFord if he would have any Executive Session items at the end of his time that needs to be addressed. Don stated that he has one item that is very brief. Commissioner McCown asked if these items could all be lumped together. Don affirmed this and these items would be addressed at that time in Executive Session.

COUNTY ATTORNEY'S UPDATE

Garfield County Attorney Don DeFord apprised the Board that he had a personnel issue that he was not sure needed to be in Executive Session. He has completed the hiring process for the attorney staff of his office. At some point this morning, he would like to introduce both attorneys to the Board and the staff. Denise Young has actually started today and Catalina Cruz will be starting at the end of the month.

Consideration of Petition to Annex County Road 116

Garfield County Attorney Don DeFord introduced a draft paper for annexation of County Road 116 into the city of Glenwood Springs. He is looking for any discussion and, at the end of that discussion, a motion to authorize the Chairman to sign an original Petition to annex what is generically called County Road 116 into the City of Glenwood Springs. He added that as the Board is aware, this is the road that sometimes is referred to as the "airport road" in Glenwood Springs. The annexation also includes one road that goes into Cardiff and the road that goes around the airport and connects to the Park East Subdivision that is currently in the City of Glenwood Springs. Don stated that he has talked with Sam Phelps and he has reviewed the legal description discussed with the City and there was one discrepancy that has been resolved to his satisfaction. Sam had been scheduled to be here but had an emergency. It is my recommendation that the

Commissioners authorize the Chairman to sign this Petition. Don stated that this is part of our Intergovernmental Agreement with the City of Glenwood Springs to have this road annexed, and that would then trigger our obligation to make full on the compensation for an engineering study. Commissioner Stowe asked whether the annexation would take place regardless of their ultimate decision on the engineering study. Don stated that in a conversation with Teresa Williams last week that that was her position. Commissioner Stowe asked that either through this annexation or the other one did the County get the piece of County Road 156 that goes down to the Old Cardiff Bridge annexed in the last time. Don confirmed that. Chairman Martin asked if this included all of the streets that have been dedicated in Cardiff itself, and whether that will take place because of access issues and the changing of the design. Don said that this does not include all of the streets that were in the original Cardiff town site. It includes the one street that you see on the ground today, County Road 160. Don stated that there are other streets there that are platted. Chairman Martin stated that some of those roads are being used as access, some are being extended, and he was referring to the one with Mike Alsdorf because there is a change that he is to look at as acceptable or redesign at the intersection. Chairman Martin was asking whether that portion was included in this. Don believed that this was not included, and that it would have to be submitted to both the City and the County because we have a portion of County Road 160 that still needs to be resolved. Commissioner Stowe made a motion that the Chairman be authorized to sign the Intergovernmental Agreement for Joint Funding of the design of County Road 116 as originally presented in the document from Mr. DeFord, seconded by Commissioner McCown. Commissioner Stowe had one question on page 2, Section 3, should the date of February 28, 2002 for completion be changed. Don confirmed that it should be changed. Commissioner Stowe stated that when that correction has been made and reviewed by Mr. DeFord, the Chairman would be authorized to sign the Intergovernmental Agreement, seconded by Commissioner McCown.

Commissioner McCown asked whether the County wants to move forward with this design in lieu of the recent report that the design cost is considerably higher now with the information that has been given to us and our inability to participate in the funding. Garfield County has already committed \$250,000 to the study of a bridge to Highway 82 off Midland South. Don answered that there are two parts to this and that is why he contacted Teresa Williams to find out what the City's position is at this time. He stated that right now they are moving forward as if they are going to do an independent design for the bridge and the interchange. Because we do have the existing Agreement, it would seem prudent to go ahead and file the Petition as we have been trying to get this done for some time, and then see where we are once the Petition has been signed. Commissioner Stowe stated that the City could hold the engineering study in abeyance for five years or so if they wanted to as there is no timeline on when they have to do the engineering study. They just have to annex the property. Commissioner McCown stated that they have to submit the engineering study by 2003. Commissioner Stowe asked if the County would be willing to delay that in talking to the City as long as our cost does not go over \$250,000 if it made more sense for them to do it two or three years from now as long as they annex the property before that. Commissioner McCown stated that in Section 2, under Payment, we could extend the time beyond January 1, 2003 with written approval. Don confirmed that.

Commissioner Stowe made a motion to authorize the Chairman to sign an original Petition to annex what is generically called County Road 116 into the City of Glenwood Springs, seconded by Commissioner McCown. Motion carried.

Discussion of Highway 82 Access

Don DeFord briefly described a letter in the Commissioners' packets from Teresa Williams on the access issues to Highway 82. Commissioner McCown confirmed that it was the South Bridge connection to State Highway 82. He stated that Teresa has put us on notice that CDOT anticipates the City and the County to enter into discussions with them about consolidating access points on Highway 82 as part of a study to build the bridge for the connection. Don stated that his concern is that this seems to be a much larger issue to him than just a legal issue, as this would involve Planning and potentially Road & Bridge, including Jesse with the funding questions. Don stated that he wanted to bring this to the Board because this is a significant Planning issue of consolidation of access points on Highway 82.

Commissioner McCown asked what the State is looking for. Don stated that this is the first he has heard about it and does not know if other staff has heard anything. Ed Green the only thing he is aware of is the engineering initiative right now, but nothing from CDOT to suggest this mandate that is reflected in the letter. Commissioner McCown cannot see how an engineer's estimate on the cost of an intersection and a bridge and a road can be done if they do not know the location. Planner Randy Russell stated that this should be a conceptual and preliminary design study of alternatives with preliminary cost estimates and feasibility and that it seems to be a little bit out of context. He does not know where the letter fits in at this time. Chairman Martin stated that the only consideration seems to be the bridge entrance, which causes confusion in that area of Buffalo Valley and Red Canyon as none of them line up. He added that there are two private accesses within that region along with a rail corridor. Chairman Martin said that we should sit down with CDOT on whether we wish to consolidate those and to make the intersection much safer than just putting another roadway into Highway 82 within that general vicinity. Commissioner McCown stated that in the building and design of that safer intersection, the County would incur the cost of a series of outer roads that connect all of the existing roads to this intersection.

Randy asked Don what action is being called for in the letter. Don stated that what Teresa is telling him in the letter that it is written to give the County time to prepare for discussion of this issue with the City. His question to the Board and staff is how does the County prepare for this and who is supposed to be involved. Chairman Martin asked whether it should be addressed as leaving it as status quo or do we wish to have a master plan. Commissioner McCown stated that we have a commitment of \$250,000 no matter what design or connection there is. Chairman Martin stated that the choice of the entrance has been selected by the City of Glenwood Springs and presented to CDOT. That now makes four more entrances within a quarter of a mile into Glenwood Springs. Commissioner McCown said this entrance is outside of the City limits and it is not in their purview. Jesse Smith stated that the City also needs to make a decision about the airport because that also affects where the road will go to the intersection.

Ed Green stated that the letter is not clear on whether Teresa is talking about design issues or migrating design and construction. Don stated a concern of who should be involved in the intersection at Red Canyon with the impact of county roads. Commissioner McCown stated that the County has no commitment to move beyond the original \$250,000 at this time.

Don asked about whether he should respond to Teresa's letter as she has put us on notice to discuss this matter. Chairman Martin stated that the consolidation to step forward and plan for access on State Highway 82 is the issue. Don said that we have made the commitment for the \$250,000 that will be paid, and we should state that the County's ability to participate any further in the project will be very dependent upon what the City's design shows in terms of being both on-site and proximate improvement costs that would impact the County. Jesse asked whether the County wants to pay for a study that will be obsolete within the five-year period. Commissioner McCown stated that what the County is doing in Item 2 of the Agreement for the joint funding of the design of the bridge and the Highway 82 access, we are paying upon submittal of invoices for work performed by the engineering company. Don confirmed that. The City will not get a one lump check in the amount of \$250,000. Commissioner McCown stated that the County has one way to continue this and that is by written form that would allow this to proceed beyond the January 1, 2003 date. Commissioner McCown stated again that we would only pay if it were a conceptual design and a cost estimate on what this project will cost. He stated that maybe the letter could be answered by saying the City would stop the activities at the conceptual design and location stage once they achieve that goal, they would have the location, alignment, what collector roads will be involved or a single road, and the approximate cost.

Ed Green stated that another key issue is to know whether the airport is an issue or not and would they have to close it down. Chairman Martin asked if the City would have to make that decision to delay the STIP process if they are going to commit to it or not. Commissioner McCown stated the City would have to decide that according to the Intermountain TPR and then decide on the transfer. Commissioner Stowe said that if the County decides to reprioritize and keep the funds within Garfield County, there is a good opportunity to do that within the next six months, particularly with Mick Ireland as head of that committee. He added that Mick is willing to do that as he does not want to see those STIP funds go to another county. We need to make that decision fairly soon. Commissioner Stowe thought that transferring the funds towards the bridge at Carbondale if the City is ready to proceed. Commissioner Stowe asked whether the City or the County decides on that transfer since it is outside of the City limits. Chairman Martin stated that it is awarded to the City of Glenwood Springs, so the City would have to make that decision on the transfer of those funds to another project that would be within five years.

Commissioner Stowe asked that in building the bridge, will Carbondale contribute, and who will actually build it. Chairman Martin stated that this decision would be done through the Glenwood Springs City Council. Don stated an issue that the City and the County have not discussed whose jurisdiction it will be in taking care of this area. Commissioner Stowe stated that the Commissioners should have a meeting with the Glenwood Springs City Council to discuss this matter further. Don stated that this discussion has surfaced an issue that to his knowledge the City and County have not discussed and need to. It involves the interchange connecting roads, whose jurisdiction is going to control it. Will the roads be annexed or will they be County Roads? Chairman Martin added that with the annexation of County Road 116, you would imagine that it would be logical that the City of Glenwood Springs would annex that and it would be part of the road process to Highway 82. Don said that road would be going across property that is entirely within the County. Don asked whether there was any need to respond to Teresa's letter other than the Commissioners will put this on the agenda for discussion at the May 14 meeting. Commissioner Stowe stated that this is the information Don should give to Teresa.

Don suggested going into Executive Session to discuss legal advice on a road issue and a personnel matter. Ed also stated that he would like to discuss a personnel issue and a land negotiation issue. Commissioner McCown made a motion to go into Executive Session, seconded by Commissioner Stowe. Commissioner McCown moved to come out of Executive Session, seconded by Commissioner Stowe. Motion carried.

COMMISSIONER REPORT

Commissioner McCown reported that he has a meeting with Associated Governments Thursday, April 4, in Mesa County.

Chairman Martin stated there is a meeting Tuesday, April 2, with CDOT and Pitkin County on the municipalities regarding the use of Mag Chloride on CDOT roads. There is a RAC and CCI meeting in Denver on Thursday, April 4.

Chairman Martin said there is also a follow-up meeting and work session on emergency management for the fire season with the Fire Chiefs, the Sheriff and the County Commissioners on Friday, April 5. Chairman Martin would like to see one of the Commissioners attend this meeting from 10:00 A.M. to Noon with Guy Meyers and the Fire Chiefs discussing the up-coming season in the Commissioners meeting room. Commissioner McCown stated that he would attend.

CONSENT AGENDA

Approve Bills

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

County Clerk & Recorder Mildred Alsdorf requested that agenda (Williams Production RMT, Co.) and agenda item (Firststar Bank NA/US Bancorp Equipment Finance) be removed from the agenda, as they are repeated items. The Chairman approved the removal.

Abatements

First Bank NA/US Bancorp Equipment Finance

Chairman Martin swore in the participants. Present were Garfield County Assessor Shannon Hurst and Appraiser Sean McCourt for oil and gas companies. Shannon stated that there are two abatements, the first being the Firststar Bank/US Bancorp Equipment Finance. There were two pieces of lease equipment that were plated with an SMM tag. When the leased company sent the County this equipment, the County tried to get a hold of them to find out if they did have an SMM tag through the County Clerk's office and there

was no response. She stated that the next year they have asked for abatement. The total tax that needs the County needs to abate is \$3,284.02 and she recommends approval of this abatement. Commissioner Stowe moved for approval of the Firststar Bank NA/US Bancorp Equipment Finance abatement of \$3,284.02, seconded by Commissioner McCown. Motion carried.

James and Melody Moritz

Shannon stated that James and Melody Moritz had built a residence. In error, the County did not change the land to the residential rate so abatement is necessary. Shannon recommended the approval of the abatement for \$4,943.49. Commissioner Stowe moved to approve the abatement to James and Melody Moritz for \$4,943.49 for reasons enumerated by the Assessor, seconded by Commissioner McCown. Motion carried.

Williams Production RMT, CO

Shannon stated that Williams Production RMT, Company, formerly Barrett Resources, is claiming oil and gas abatement as they did not file the netback. They now want to file the netback to receive abatement on their taxes. They have waived any interest per Sean's work on this matter. Shannon stated that if this were paid to Williams by April 30, Garfield County would not have to pay the interest of \$37,000. Shannon also stated that Don DeFord helped in this matter. Mildred Alsdorf stated an Exhibit A, which is the notice that was sent by certified mail stating the hearing date, and Exhibit B, which is Sean's document.

Commissioner McCown asked if they did their 2000 netback. Sean answered that they started the netback in 2000, making this the last abatement. The statute of limitations ran out on their 1998 abatement. Sean also sent out to every company a very detailed letter encouraging them to net back and the process involved, including the time limit. There was a brief discussion on how monies are handled through the school systems. Shannon recommends that the abatement be approved for \$155,056.45. Commissioner McCown moved to approve the Williams Production RMT, CO abatement in amount of \$155,056.45, seconded by Commissioner Stowe. Chairman Martin made the clarification that no interest will be paid in this amount. Motion carried as amended.

Commissioner McCown asked how the permitting on other oil company's compressor stations is being handled. Sean said he they are being taxed on the compressors, along with the companies they rent from. Commissioner McCown questioned the permitting on the major processing plant along with a compressor station that Williams is looking at installing at County Road 215. Sean explained the way the County captures pipe is, once it is installed in the pipelines, it becomes part of the value. The County then captures drilling pipe associated with the drilling rigs. That pipe that is sitting by the sites is just inventory and would be taxed until it is put into use. Shannon stated that rail cars are handled through the State's taxes in value only by reports received from the Railroad of the inventory in each car, and that Garfield County receives the ad valorem taxes. Sean stated that rail lines, whether collection or transmitting, are all assessed by value, then taxed by cost. Sean explained that the collection on a well site falls under a "BEL" which is sent to the County by the State. It is a "basic equipment list" on how everything is evaluated on a well site. Each site is allowed 600 feet of gathering pipe in that BEL, after that the County calls it a gathering system and it is taxed separately.

Budget Supplement

Jesse Smith stated that in the Commissioners' package is a Resolution for Supplemental Budget #2, with an Exhibit A and Exhibit B. Exhibit A deals with personnel costs. This is a mid-year correction for an employee hired in 2001, but because of the six-month probationary period, they were not granted the 2002 increase until the probationary period ended. They were then granted a 3% increase. It is in the budget, in the Contingency Fund, and is moved forward to cover the personnel cost. Jesse explained that this is the only change in this particular matter. He stated that Exhibit B is the items that have occurred since the last Supplemental Budget. They include replacing two computers in Sheriff's patrol that crashed because of their age and inability to be rebuilt at the current system's specs. They were not in the budget but funds are needed to replace these for \$2,660. Jesse said this amount would come out of the General Fund balance. The second item in Exhibit B is to replace a lap top computer that would handle remote operations. The existing lap top computer will be given to another user and this one will be replaced to handle the software and the remote operations needed. The third item in Exhibit B is to provide scanning equipment to do in-house conversion from paper files to digital files rather than having to send this work to be done elsewhere. The fourth item in Exhibit B for \$21,745 is to pick up the overage on what was estimated on scanning all of Building & Planning's files to digital because they are mostly oversized documents. The fifth item in Exhibit B for \$28,500 is to put into the budget the dollars needed to handle the electronic fingerprint scanning equipment that was approved in 2001. Once this is purchased, the Sheriff's Department will receive a grant for \$56,051, which has already been approved. They are not able to receive this grant until the order for the new equipment has been placed. The sixth item in Exhibit B is to purchase a roadside radar unit, a stand-alone, trailer-type operation. The Sheriff's Department has received a grant to pay for this, but it is not in the budget. Jesse explained that both the income and the expense were placed into the budget to cover that radar unit. The seventh item in Exhibit B is to do a similar operation with Community Corrections in that they have received a grant for \$6,000 to produce a terrorist plan. This also was not budgeted; therefore, both the income and the expense need to be put into the budget. Jesse said that totaled, the General Fund impact is a reduction of \$68,405. In the Road & Bridge Fund, the purchase of a water tank and pump was approved that had not been budgeted. This is a supplemental amount of \$15,980. In the Capital Fund, landscaping was budgeted for \$250,000 to include the plaza but the remaining funds neglected to reflect the need to pay for the parking lot repaving. Jesse explained that \$75,830 needs to be budgeted to pay for all of the extra expenses incurred on the parking lot and the remaining items on the jail so that the line item is in place. Commissioner McCown stated that he does not think monitoring of budget items are being handled properly, that money is just being spent regardless of the budget. Garfield County Sheriff Tom Dalessandri stated that an asset replacement plan for the computers would be added to the budget for next year. This has only been done for the vehicles and other items in the past. Jesse added that this matter would also be looked at on a countywide basis. Commissioner McCown made a motion to

approve Exhibit A and Exhibit B budget supplements and authorize the Chairman to sign the Resolution as stated, seconded by Commissioner Stowe. Motion carried

Preliminary Plan to build 6-unit apartment complex with ten off-street parking spaces. Location: 241 Mel Ray Road. Applicant: Cinderbetts, LLC

Present were Duane Stewart of Stewart Custom Builders and majority owner of Cinderbetts, LLC, and legal counsel John Schenk. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman swore in the participants.

Kim Sleagel submitted the following Exhibits: Exhibit A - Letter from Jill Peterson, City of Glenwood Springs; Exhibit B - Memo from Robin Millyard, Glenwood Springs Public Works Director; Exhibit C - Letter from Bill Harding, Battalion Chief, Glenwood Springs Fire Department; Exhibit D - Letter from Colorado Geological Survey by Jonathon White

Exhibit E – Comments from Michael Erion, Consultant Engineer from Resource Engineering; Exhibit F - Letter from neighbors on Mel Ray Road with attached signatures; Exhibit G - Letter from Laura and Kevin Merritt; Exhibit H - Letters in a memo format from neighbors on Mel Ray Road with attached signatures; Exhibit I - Two photographs; Exhibit J – Green and white return receipt forms; Exhibit K - Proof of Publication; Exhibit L – Garfield County Zoning Regulations of 1978 as amended; Exhibit M – Garfield County Subdivision Regulations of 1984 as amended; Exhibit N - Staff Report; and Exhibit O - Application materials.

Chairman Martin entered Exhibits A-O into the record. Kim explained that this is a request for a preliminary plan for a six-unit apartment complex on 241 Mel Ray Road. The property is located in the City of Glenwood Springs urban area of influence in reference to the Garfield County Comprehensive Plan. The adjacent properties are residentially developed and the property to the west is an undeveloped field. The property presently has a manufactured home on it and it has been developed as a residential lot. The applicant is proposing to build a six unit apartment complex on the site with four 2-bedroom units and two 1-bedroom units. The apartments will have water supplied by the City of Glenwood Springs and sewer supplied by the West Glenwood Sanitation District. The building has a footprint of approximately 1,575 square feet, with ten proposed off-street parking spaces. Access to the development site is directly off Mel Ray Road. The Garfield County Comprehensive Plan identifies this property as an existing subdivision. The property is zoned Commercial/Limited which allows for the use of multi-family dwellings.

Attorney John Schenk looked at the water service issue. He stated that in 1988 this area was part of the West Glenwood Water District. He stated that the City Attorney did some research and the agreement will be changed because of the new criteria. John stated that the agreement is a water services agreement rather than a pre-annexation agreement. He also reviewed the record and agreed that what the Planner reported was in regulation, and that there is no need for exemptions or variations. John asked the Board for approval of this project. Duane Stewart added that other properties in the area are multi lived-in properties.

Chairman Martin asked for public comment. Laura Merritt, 0244 and 0246 Mel Ray Road, lives across from the proposed complex. She presented photographs that were taken over a five-month period, which were added as Exhibit P. Her main concern with the project was the past and current problems with parking and drinking of tenants. She stated that there was a public meeting scheduled on February 3, 2002, which was cancelled, and a public meeting scheduled on March 13, 2002, which was also cancelled, but they voted on and passed this project with no public in attendance. Mr. Stewart had told her his son was taking care of the property. Laura stated that 0241 and 0245 Mel Ray Road has a total of four people living there. She stated that in Mr. Stewart's trailer there are 20 people living. Her other concern is having enough room for children to safely walk as the road is so narrow and that drinking from the residents in Stewart's property have the children afraid to walk in front of the property. In contacting Mr. Stewart, she stated that he told her he did not want anyone mad at him and would change the size of the project. Laura explained that the water pressure on Mel Ray Road is already bad and will be worse with this project. She has observed semi trucks getting stuck trying to turn around and blocking the road where fire protection personnel would not be able to get around if there was an emergency. She and her husband now own a gun that they bought on Easter, which they told their son they would never own.

Kevin Merritt, Laura's husband, reiterated what his wife had said. He stated that Mr. Stewart was not around his rental for at least five months. Kevin thought the rental might have been a drug house and could not even get help from the police or the sheriff. He is now thinking of calling the INS. He stated that 33 cars were there on Easter, and that one person almost got run over by crossing the street through the cars. He added that some of their neighbors have moved because of the problem. He reported that there are at least 13-14 kids who get off the school bus with no sidewalk on an already narrow road. His is concerned about who will take care of the 6-plex once it is built and rented. Kevin is worried because they cannot get help from the local authorities now when there is a problem.

William Dodds Scott, Jr., who lives at 0262 Mel Ray Road, stated that trash is a real problem. He said the County was going to make it a one-way road at one time with no parking. He said it is a pain in the neck, a zoo. He added that someone has taken the "no parking" signs down. James Catlett, Mel Ray Road, stated that when he tries to pull out onto the street, he has to have someone go out into the road to flag and watch for traffic.

Katherine Wagner, 0228 Mel Ray Road, has lived there for over 40 years. She stated that there is no room for a 6-plex with the amount of parking it will generate. Katherine said there would be absolutely no green spot there either. She has a green spot that people are parking on and her mailbox has been knocked over. She always has to watch out for cars when backing out onto the street. Katherine has a day care and has to have the child in a stroller for fear of her walking out into the traffic. She asked that a modular or single-family unit be constructed, not a 6-plex.

Randy Wagner, 201 Mel Ray Road, had heard the project was going to be a 4-plex, not a 6-plex. His biggest concern is the parking. He said there is no street lighting in the area, which makes it a real issue with no pedestrian walkway on either side of the road. He added that the speed limit is rarely observed at 25 m.p.h., most of the traffic runs from 35-45 m.p.h. with cars even running the four-way stop sign. He

said that most of the truck traffic from the Walters subdivision goes up Mel Ray Road, and the semis are a problem, even with the signs that are posted. It is a hazard with children or other people walking down the road. He said that the mailman's route goes up Mel Ray Road and has over 700 addresses in that area, which gives you an idea of the impact already.

Kevin Merritt wanted to reiterate that they have lived there for the last four years and, ever since, there has been construction on that road. Their sewer line has been broken, along with other neighbors' lines. He said no one will fix the problems and they have to do it on their own. Randy Smith has a hotel or something there that looks nice, but is also proposing to do another one in the same area adding to the traffic. Anyone with a large house on that road is now turning their property into duplexes, adding to the traffic.

John Schenk asked to respond to the water service pressure. He stated that the City is confident they can provide better service. He said the City has no knowledge of broken sewer lines from their efforts. He added that trash service would be provided to the 6-plex complexes. He agreed that traffic certainly is an issue and there is a definite need for more law enforcement. He said that "no parking" signs should be put back up. He said that this project would have all off-street parking. Duane stated that the tenant issues have been dealt with, as one was evicted. John said that everything in respect to the zoning and subdivision regulations have been met according to the County and City regulations. Other efforts are being made in other properties that are exacerbating the traffic problems. John stated that hypothetical issues do not matter; it is the regulations that are being met that count.

Commissioner McCown asked about the development of the dry well. Duane gave a report to the engineers and will ask Kim when it can be submitted. Kim stated that when the subdivision is approved that report would be issued. Duane said that well conditions have been met and will be submitted at the time of approval. Duane stated that his engineers (High Country Engineering) have done the work, and if he gives it to the Planner at this time before approval of the subdivision, he will have to do everything over again. Duane wants to wait until approval has been given. Commissioner McCown asked how a ruling on the land use could be done without all of the information. John answered that if Michael Erion is satisfied, then the Commissioners should look at that as a condition that has been met. The process seems to be a type of trap at this point because of that specific matter.

Commissioner McCown asked the Merritts about the 30 people living in one unit. Laura stated it was 50 people. She said there is supposedly a property management company taking care of the property, but they cannot find anyone in charge. She stated that the owners of the property now live in Kansas. Laura has not seen a sheriff there in over a year. The Merritts have a business out of their home, along with others on that road. In a previous meeting, Kevin stated that traffic was the biggest problem stated at that meeting and nothing has been done.

Commissioner McCown stated that he has been involved with Mel Ray Road issues since before the Merritts moved there, and that the drainage issue down the middle of the road was brought up with property owners. Some of the public stated that they were not notified of this matter. Commissioner McCown said that if the road were widened to do a proper drainage, it would take some properties; therefore, there is no room, so the drainage was put down the middle of the road. Randy Wagner stated that if you stand on the south or north end of Mel Ray Road, you will see all of the mail boxes lined up with the fire hydrants. The only property affected will be a mobile home by the Blaine Ward property. He stated that if this road were widened, it would take many residents' property. His remark on the dry well issue is that all homes in this area have sump pumps in the basements, and wonders what the impact will be on those.

Commissioner Stowe commented that requirement #8 (dogs) would allow six dogs as opposed to five. Can this be amended to "at the expense of the property owner" to see if this could be taken care of? Don DeFord stated that this would have to be done at a different time. John Schenk did not think this should be suggested for this project. Laura Merritt added that there are approximately 30 cats under Mr. Stewart's trailer from past tenants that need to be taken care of now. Laura said the problem with tenants and parking was frightening and embarrassing when her parents came to visit. The problem was an every day occurrence. John Schenk said that this trailer is a 3-bedroom unit leased to four people. These tenants have been removed and this is not a current problem at this time.

Commissioner Stowe moved to close the public meeting, seconded by Commissioner McCown. Chairman Martin asked for a motion on this application.

Commissioner McCown had a question of counsel in regards to the applicant asked that Item 3 in the Staff's recommendations be changed from a pre-annexation agreement to a utility service agreement and if there is anything to prevent both. Don DeFord said only if the City is unwilling to enter into a pre-annexation agreement. Commissioner McCown felt this should not preclude the service of water because they are obligated to under the old guidelines as testified to by the attorney for the applicant. So, they could be served water and, would they still be required to apply for a pre-annexation agreement with the City? Commissioner McCown feels this area is in dire need of being annexed into the City and it is an island that the City has chosen to ignore. With the approval or disapproval of any land use items, clearly the approval of any change in density should be accompanied by an annexation agreement. Don stated that the Commissioners can make the applicant request annexation but you cannot compel the City to sign a pre-annexation agreement. Kim added that the only correspondence she has received from the City is requesting a pre-annexation agreement. She has not received anything about a water services agreement. Since she has not received anything otherwise, she would maintain that we have the same condition of approval.

Commissioner McCown made a motion to approve the request for a preliminary plan for a 6-unit apartment complex with the recommendations of Staff adding Item #9, which would not allow any vehicles to park on Mel Ray Road and that Mel Ray Road would be signed accordingly once he makes contact with Road & Bridge. Commissioner Stowe asked Commissioner McCown to add to the motion that the animal control removal issue would be at the expense of property owner, seconded by Commissioner Stowe as amended. Chairman Martin commented that this was a use allowed by right, however common sense that we are creating an undue hardship on the existing neighborhood, and that the traffic versus the roadway situation is totally out of balance. It needs to be corrected in some manner or not to add more density to it. The project

actually, if it is approved, is setting up an ongoing neighborhood feud for the future and a negative impact on the safety involved for all the people who live in the area. The motion was denied 2:1. Chairman Martin announced that this motion is defeated.

Special Use Permit for Guesthouse. Location: TBD, County 107. Applicant: Jane Baker Veit.

Present were Peter Nichols, representing the applicants, and Jane Baker Veit and Dick Veit, who is also the architect. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the participants.

Kim Sleagel submitted the following Exhibits: Exhibit A – Green and white return mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Staff Report; and Exhibit E – Application Materials

Chairman Martin entered Exhibits A-E into the record.

Kim reported that this a request for a special use permit to allow a guesthouse in the A/R/RD zone district on County Road 107, approximately two miles north of Carbondale. The applicant is proposing to build a guest house on the property no more than 1,000 square feet in size, as required by Section 5.03.0235 of the Zoning Regulations. The property currently has one existing primary residence. The proposed guest house will be located approximately 100 feet to the east of the existing residence. Staff recommended approval of this project with five conditions.

Commissioner McCown stated that in the applicant's supplied information it says that they have a 1/3 interest in the well. Would the 1/3 interest in the well exclude the use to one household, precluding the guesthouse? Peter stated that there are three primary services provided by that well permit. There are two dwellings served by that particular well. Peter stated that it would be his applicants' position, because the size of the guesthouse, that this is equivalent to an additional existing household with the use of one single well. Commissioner McCown asked if the applicant is presently using their 1/3 interest in the well to supply water to a residence. Peter stated that they are. Commissioner McCown stated that the property is only allowed three dwellings, and the applicant only has a 1/3 interest, which is one dwelling. Peter said the problem is that the County has three definitions of dwellings and the Division Engineer has a different definition. The different dwelling under the County Zoning Regulations, under the State regulations in terms of how the well permit was issued approximately ten years ago, I think I would have to talk to the Division Engineer about that, but it's an issue that relates to the adequacy of the well permit condition not a land use issue.

Peter commended Kim on the staff report, and wanted to reiterate that the 35 acres would be for the second unit on these 35 acres, so it is more than the minimum. In regards to the length of stay being up to 30 days, the guesthouse is being designed primarily or exclusively to allow the visit of Jane's children. She has six daughters with growing families. Peter requested approval of the special use permit with the Staff recommendations. There were no public comments.

Kim stated that historically the Division of Water Resources has considered a guesthouse to be an additional dwelling unit. She asked that the Division of Water Resources give the okay.

Commissioner McCown moved to close the public hearing, seconded by Commissioner Stowe. Motion carried.

Commissioner McCown made a motion to approve the review of a special use permit to allow for a guesthouse with conditions of recommendation from Staff adding Item #6, proof of a legal water source be deemed from the Division of Water Resources and attached prior to any activity taking place, seconded by Commissioner Stowe. Motion carried.

Subdivision Preliminary Plan to approve the subdivision of a 2.881-acre tract into eight lots.

Location: Aspen Glen PUD. Applicant: The Cottages at Eagle's Nest, LLLP

Glen Gazley and Don DeFord were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Commissioner Stowe asked about the road that the notice was posted on. This is the primary access road through Aspen Glen that is controlled by a security guard. Does that make it a public right-of-way? Don answered that it is not a public right-of-way; it is a private road. Commissioner Stowe asked if this was adequate for posting. Don stated that in this case, the nearest public right-of-way would have been either Highway 82 or County Road 109, and on Aspen Glen projects, we have allowed posting in the past to the internal private roads as that is the roadway that the Commissioners have deeded appropriate to actual notice.

Chairman Martin swore in the participants.

Mark Bean submitted the following Exhibits: Exhibit A – Proof of publication; Exhibit B - Green and white mail receipts; Exhibit C – Application; Exhibit D – Project information of Staff comments with all attachments; Exhibit E - Garfield County Zoning Resolutions of 1978 as amended; Exhibit F - Garfield County Subdivision Regulations of 1984 as amended; Exhibit G - Garfield County Comprehensive Plan of 2000; Exhibit H – Letter from Jeffrey Leigh

Chairman Martin entered Exhibits A-H into the record.

Mark reported that this is technically an amendment of a preliminary plan and final plat that has been approved previously for the Eagles Nest, Tract A at Aspen Glen. The parcel is located within the Aspen Glen development. It is adjacent to the clubhouse parcel. It is 2.881 acres in size. The applicants are proposing to develop the tract into eight detached, single-family lots that average about .3 acres each in size. Each lot does contain a building envelope that has been redesigned for direct access off the proposed cul-de-sac. Staff has received comments from a variety of review agencies; some of them are previous applications. The Carbondale & Rural Fire Protection has reviewed the present application and deemed this a more acceptable application to them. They have noted that they would like to see a fire hydrant shown on Lot 8 to be located to the entrance of Wildflower Drive to be more accessible to the Department. The geologic report did note that there are collapsible soils in this area, and it is an issue that needs to be dealt with. There is also a need to make sure the contaminated soils are not used for any shallow footings. The Roaring Fork School District has requested that the applicants pay the appropriate formula. The previous approval of this formula was not in place, so the present application will be subject to the formula,

as the appraisal of the property would have to occur. Mark stated that this application is consistent with the Club Villa zoning within the Aspen Glen PUD. They do have a minimum lot size of 10,089 feet. As noted previously, all of these lots have .3 acres on an average. Mark stated that as previously noted the applicant is subject to the determination of a warrant for the light at Highway 82. This warrant is not directly related to this project per se. This is a condition of approval that applies to all final plats within the Aspen Glen Planned Unit Development. At the time of the last application in Aspen Glen, there has not been a need for, or a warrant for, a light yet at the Aspen Glen entrance. This project is subject to that requirement, so a determination is recommended. The water and sewer issues do not need to be expanded at this time. Aspen Glen has identified the method in which they will deal with the commitments of taps when they start reaching the capacity of 80%. They will proceed with the site application process with the State. Staff recommends approval of this preliminary plan with five conditions of approval.

Commissioner McCown asked in regards to the warrant for the light, whether the trigger determines who comes in with the particular portion of this overall Aspen Glen development that triggers the need for the light. Mark stated that the responsibility for the light would be to Aspen Glen. Chairman Martin asked about the time line on the bike path. Chairman Martin stated that they have heard for the last eight years that this bike path will be completed. Mark stated that it is roughed-in but he does not have a completion date. Commissioner Stowe said that he would like a definite date of when the bike path will be complete and available for public use. Commissioner McCown added that it should be no later than May 1, 2003 to be made a condition of final approval.

Glen stated that the fire hydrant has been removed to meet the requirements. The traffic count has been given to Nick Cavanaugh of Schmueser Gordon and Meyer. He stated that the letter from Jeffrey Leigh who vehemently opposed the change in terms of the additional units on the property and his viewpoints. Glen said they are not increasing the units and, in fact, they have eliminated two garage buildings. The building height issue is going through the design and review committee at Aspen Glen and that should probably be addressed to them. The other item he wanted to mention was in regards to Item #4, the assurance that the bike path along County Road 109 will be completed. He will get a letter from Aspen Glen that they will have this completed and open to the public by the first of May 2003. Chairman Martin stated that this was just a consideration that has not been formalized as a recommendation. Glen does not know what the hold up has been with Aspen Glen. Mark stated that they have had meetings at Aspen Glen with their engineers and representatives, which led to a design that is acceptable and buildable.

There was no public comment.

Commissioner Stowe moved to close the public hearing, seconded by Commissioner McCown.

Don DeFord asked that before the public meeting is closed, he would like to ask in terms of assurance in paragraph 4 of the Staff recommendations, the applicant had mentioned a letter. If we do not have adequate security in place to assure construction of that bike path, would the Board be concerned or interested in acquiring financial security as well as a letter. Mark stated that there are no funds appropriated at this time from Aspen Glen. Commissioner McCown said then this would have to be accompanied by a letter with some sort of financial mechanism to assure that or the letter is worthless. Don stated that is right. Don was asking for clarification on this issue.

Chairman Martin asked for further comment. Commissioner Stowe moved to close the public hearing, seconded by Commissioner McCown. Motion carried.

Commissioner Stowe made a motion to approve the subdivision preliminary plan request of Aspen Glen PUD with the conditions as noted by Staff, and the additional Item #5 noting that the bike path will be complete and open to the public no later than May 2003, with a letter from the Aspen Glen Development Corporation or other associated entity, along with an accompanying financial commitment to make sure that this is accomplished, seconded by Commissioner McCown. Motion carried.

Building Code Amendment to Adopt the 1997 Uniform Building Code, 1997 Mechanical Code, 1997 International Plumbing Code, and the 1997 International Fire Code. Location: N/A. Applicant: Garfield County Board of County Commissioners

Don DeFord reviewed the noticing and the submittals from the applicant. Chairman Martin asked for any challenges from the audience. There were none.

Chairman Martin swore in the participants.

Mark submitted the following Exhibits: Exhibit A - All of 1997 codes, including building, mechanical and fire codes, and the 1997 International Plumbing Code

Exhibit B - 1995 CABO One and Two Family Dwelling Code, specifically Appendix A

Exhibit C – Staff report

Chairman Martin entered Exhibits A-C into the record.

Mark stated that the Board had previously requested that the County Staff/Building Department update their codes from the 1994 Uniform Building Code to more current codes. They are proposing and have included for consideration the adoption of the previously 1997 codes and 1995 CABO One and Two Family Dwelling Code. He included as an attachment to the Staff report a proposed resolution of approval that includes all of the language used in previous adoptions of building codes. The format is consistent, showing cross-outs to identify the changes in the regulations. Mark stated that a building permit in Garfield County includes all mechanical, plumbing and fire code requirements in the permit issued for the building. Some of the exceptions include the deletion of the requirements for agricultural buildings to get a building permit, grading permits for digging foundations or roadways and re-roofing permits. Sections of the code have been amended to allow the County to issue temporary permits for residential use of a mobile home, travel trailer or fifth wheel trailer while a house is being built in certain zone districts. The permits are valid for six months and may be renewed every six months for up to two years. Another addition is the provision for recreational cabins in certain locations without a building permit. There are two options available to the County to update the building codes. The 1997 Uniform Building Code and associated codes or the 2000 International Building Code and associated codes. The logical choice would be to adopt the most current code, but staff has recommended that the County adopt the older 1997 codes, rather than the 2000 codes. The 2000 International Building Code and associated codes is the most drastic change in building codes in a number of decades. As a result, it has been subject to a significant number of

addendums due to a need for new interpretations of the code. It is the majority of the building department staff's opinion that the adoption of the 2000 IBC is premature for the valley and that it would be more prudent to adopt the 1997 UBC codes at this time and then consider adoption of the 2003 IBC when it becomes available.

The Planning Commission recommended that staff amend Section 106.3(7), requiring a survey and accurate site plan with any building permit application, as this will be something that will be a part of a typical construction process.

The Planning Commission recommended approval of the resolution adopting the 1997 UBC, 1997 Mechanical Code, 1997 International Plumbing Code and 1997 Uniform Fire Code, with the amendments and deletions from the various codes as presented in the proposed draft resolution.

Mark introduced Arnos Ehlers and Andy Schwaller. Arno is presently the Chief Building Official for the County who will be retiring at the end of this month, and Andy will be his replacement. Chairman Martin stated that the largest complaint he receives are regarding the grading permits in terms of grading, cutting in hillsides, filling in valley, clear-cutting, with no review whatsoever, and why grading permits are excluded. Mark stated that he does not have the staff to review them nor the expertise internally within the Building Department to investigate this matter. Chairman Martin suggested that a permitting process on grading issues be done after the survey is complete, as it goes with the County's geological hazards that may be covered up that otherwise would not be discovered, or hiding issues, "buyer beware" issues, and failures of certain areas that the County does not pay attention to. Even with the hardship of the Building and Engineering Departments, this needs to be done. Commissioner Stowe asked if the County needs to do it or is it the responsibility of the developer or the prospective buyer. Chairman Martin stated that there needs to be a permitting process after the survey which may show a fill, cut or etc. process that will advocate that the permittee is responsible for that activity. Mark's concern is, if the County is going to require a permit, that a review process be completed after a plan has been approved, but we need someone who is qualified to do that. Chairman Martin gave an example of the cutting of the hillsides on Highway 82 that have currently been done just to create a lot to sell. The County has no review on that. He stated that an approval or a permit should be given saying that certain hazards have to be mitigated. Things are being created for the future that there is no review required. Mark stated that we are probably going beyond the building code requirements and mechanics, and this may be a different issue. Commissioner McCown stated that we could be accepting the liability for a project because we do not have the staff to perform this type of review. Mark stated the he wants someone with the background in that type of engineering to be able to do these reviews. Chairman Martin said that this should be a matter that needs to be discussed. Mark stated that the subdivision process will cover a lot of these types of issues, but where the problem lies is between the fellow that goes out and digs a hole for his foundation footers or cutting in a driveway. Commissioner McCown asked if we are waiving the re-roofing permit. Mark answered that the County has never required a reproofing permit. Commissioner McCown said that the County does require a residing permit. Arno stated that they are required to inspect new construction and any structural changes, but to place another layer put on top of the original roof if acceptable. If an owner were to place a third layer, the County would never know about it unless a neighbor turned them in. He honestly does not know why the County does not inspect reproofing. Chairman Martin asked if you take off the three tabs, there are two layers on the roof, and you wish to put on a different type of roof, which requires re-sheeting and the tabs being put back on, is that allowed without a permit – to do a re-sheeting of an existing roof. Andy stated that if they have to re-sheet, then that would be considered new construction. A permit would only be required if it is a structural change. Commissioner McCown asked what the relevance was on inspecting the re-siding. Arno stated that a permit would be required. Commissioner McCown asked what the relevancy was for a permit requiring the residing, but not the re-roofing. Mark stated that the present language does not require re-roofing permits. He stated that staff would not have a problem in deleting that requirement and adding re-roofing permits.

Chairman Martin asked for public comment. There was no public comment.

Commissioner McCown moved to end the public hearing, seconded by Commissioner Stowe.

Commissioner McCown made a motion to approve the amendments to the Garfield County Building Code Resolution, that Chair be authorized to sign said Resolution adopting the 1997 UBC, 1997 Mechanical Code, the 1997 International Plumbing Code, and the 1997 Uniform Fire Code, and keeping the 1995 CABO One and Two Family Dwelling Code Appendix A, and that the re-roofing permits issue be included with the re-siding permit issue being deleted, seconded by Commissioner Stowe. Motion carried.

BLM Proposed Bair Ranch Conservation Easement – Anne Huebner

The participants were Anne Huebner of the Bureau of Land Management, Doris Bair who lives at the Bair Ranch, and Christine Quinlan with the Conservation Fund, which is the group the BLM, is working with in terms of brokering the project. Anne stated that the Bair Ranch was established in 1919 in Glenwood Canyon. The eastern portion of the ranch is in Eagle County and the ranch headquarters is in Garfield County, across from the Bair Ranch rest area off I-70. The ranch extends along Cottonwood Pass. She presented a map showing the orientation of the ranch and the proposed conservation easement area. She stated that the BLM's State Director Ann Morgan has put this forward as her top priority for the State of Colorado, and currently it is in the President's 2003 budget at \$1.5 million. The actual request that BLM put in was for \$4.5 million. The reason for their interest in the conservation easement is that the Bairs would like to stay on the ranch and to continue to operate it as a traditional sheep ranch. They hold multiple grazing permits on the White River National Forest and on the Glenwood Springs resources area. It is surrounded on three sides by the BLM and the fourth side is surrounded by the White River National Forest Eagle Ranger District. She stated that the Bairs have preserved the visual beauty of the ranch in Glenwood Canyon and that BLM wants to protect the wildlife, recreational values, and cultural historical values, along with the view. They want to also keep it as personal property and not sell the ranch to top developers. The BLM and the Forest Service want to protect the ecological integrity ecosystem of that area, along with the partnership with the Bairs to continue with their traditional way of life and to be able to stay living on the ranch.

She added that what is in the President's proposed 2003 budget is \$1.5 million. They are still hoping and looking at \$4.5 million as a point to start leveraging with other partnerships' funding for the total conservation easement purchase on the ranch. In Washington, they are in the middle of the 2003 budget at this time. She stated that Congressman McInnis is very interested in this proposal and is working on possible funding mechanisms. They wanted to let the Commissioners know about the proposal and if they feel that it is something they do support, she asked that they personally consider sending a letter of support to Senator Ben Nighthorse Campbell or Congressman McInnis concerning the proposal since it is split between Eagle and Garfield County. She said they would be briefing the Eagle County Commissioners tomorrow morning also. Chairman Martin asked about the size of the area. Anne stated that the almost 6,000 acre ranch is considered in the easement. Chairman Martin asked about the archaeological sites on the ranch. She added that the Flat Tops area is the home of the Ute Nation, but the resources in that area does have a significant cultural resource sites.

She introduced Herb Olson who has retired from the BLM but is still working as a volunteer on this project, Vaughn Hackett works in the Glenwood Springs field office as a realty specialist, and Cindy Cohagen is the director of the Eagle Valley Land Trust. She stated that this easement was initiated over a year ago when the Bairs approached Brad Udall when he was with the Eagle Valley Land Trust about the possibility of a conservation easement.

Commissioner McCown asked if the Bairs could sustain their ongoing livestock operation without their federal permits, and if they have enough deeded land to maintain the number of sheep they run without their permits. She did not feel comfortable answering that on their behalf. She did say that in order for them to get a federal grazing permit; they have to have a certain percent of base property to go with the permit. She stated that the Bairs hold multiple permits, but would suspect that without any of these permits; it would be very difficult for them to run their operation.

Chairman Martin asked for public comment. There was no public comment.

Chairman Martin sees no objection with this matter and that the Commissioners are in full support.

Commissioner Stowe made a motion to send a letter to Senator Ben Nighthorse Campbell and Congressman Scott McInnis in support of this conservation easement, seconded by Commissioner McCown. Commissioner McCown ask that in the letter the County's support for the conservation easement be garnered on the fact that the multi-use of the federal land adjoining this property be continued, including grazing, timber, and recreation. Motion approved.

State of Colorado Weed Update – Eric Lane

The participants were Steve Anthony from Garfield County and Eric Lane the State Weed Coordinator. Eric gave an update of the Strategic Plan that was completed in September and released as a publication in December 2001. Eric mentioned that in the bound version of this publication there is a list of organizations that have endorsed the Strategic Plan whom the State is working more closely with to implement the Plan from words to action. He stated that it is quite a diverse group of public and private organizations. He also mentioned that the Executive Summary of the bound version explains the guts of the Plan. He stated that weed management is not an inexpensive proposition. What they are endeavoring to do is to provide the most cost-effective process in organizing themselves for the task.

He presented a graph showing one particular species of noxious weed, the Leafy spurge, which is quite widespread throughout the state. They are trying to shut down their spread. The reason they manage noxious weeds is not for the fun of it, but to protect the things of value, particularly in agriculture and the environment. They are looking at a restoration component in lands that are particularly valuable from an agricultural productivity standpoint or from an environmental standpoint, biodiversity for example. They are putting particular emphasis on making sure those lands that are considered special to Colorado remain that way in regards to weeds.

Garfield County has been a beneficiary of the weed fund that remains to be a very competitive process. He stated there is approximately \$290,000 courtesy of the Legislature and general funds each year. He met with the Legislature last week and the Joint Ag Committee has been very supportive. Eric stated that this process was started less than a year ago in identifying where the species are. He stated that it is very difficult to coordinate activities among federal, state and local governments, as well as public and private landowners.

He explained that the Plan is to keep costs at a minimum, do the most with the least, and take out the small populations in working towards the larger populations. He stated that through the Weed Fund, Steve has attended some of the training that their new staff member has provided in terms of GIS and utilizing technology to develop and apply these mechanisms in Garfield County. He added that on the federal level,

one bill in the House of Representatives that is drawing the most attention is actually sponsored by Congressman Hefley from Colorado Springs. If this bill were successful, it would develop a national weed management fund to help support the development and implementation of local cooperatively led weed management entities. There are many legislators who are interested in this matter, which may bring resources to this area. Commissioner McCown asked if these federal funds would come directly to the local level or would they pass through the state. Eric stated that right now, the program is designed to pass through the state. It is set up in the Secretary of Interior's Office where they make the "cut" and distribute the funds throughout the state. Eric stated that the counties would put together a proposal to present to the Secretary of Interior. They have criteria set out in the Act and others and they would decide which projects are funded, then the dollars are administered through the state. He added that there is a 5% cap on these funds. Commissioner McCown asked if federal funds would be earmarked for federal lands with on-going weed problems. Eric stated that it is not earmarked specifically for federal, private or public; it is available for any land mix, but the amount that is available for federal lands is capped at 50% unless the Governor specifically makes a change on the ratio. Steve asked Eric to explain the process in working with greenhouses and other business regarding weeds, such as Russian olive trees. Eric stated that the Russian olive is on the weed list for management. The remaining threat as far as it being put into the environment and being moved around is still with nursery sales. One of his tasks this week is to draft language for a proposed rule that would revise the Nursery Act Rules, which we have under the Department of Agriculture, to prohibit the sale of Russian olive. He will be circulating that draft among people with the Nursery Association as they have requested it. They have proposed a ban on the sale of Russian olive beginning January 1, 2003. Commissioner McCown asked whether there was a similar draft with nurseries and companies that sell wildflower seeds. Eric said there has been a ban on the sale of several noxious wildflowers and it is not legal to sell any number of noxious weeds as seed or as nursery stock in Colorado. He stated that unfortunately, what is the State noxious weed list is not directly applied to the Nursery and Seed Acts, so they have to go in individually and change the regulations. Eric stated that their only problem is enforcement, with Internet and catalog sales being the biggest problem. He said that all companies do know what is legal and what is not because they are provided that list from the Federal Government. Chairman Martin asked about the penalties. Eric stated that the penalty is a fine, with a capacity up to \$1,000 per incident, which they can interpret as per seed packet. Commissioner McCown asked if Garfield County has implemented a process for people failing to comply. Steve stated that it is in the State Weed Law and Garfield County has just adopted what is in the State Legislature. Steve stated that he would be the one to implement fines within the County. Eric added that if Steve observes a weed problem that needs priority, he could obtain from the court a right of entry to visit that property and make a determination. Eric stated that fines are a slightly different process. The County can recoup the cost of the work plus a percentage of approximately 20%. Eric mentioned that they are looking at revising the statute in the next legislative session. They are beginning discussions with groups such as CCI and CML to look at what changes need to be made. He stated that right now the enforcement process is there, but most people find it somewhat cumbersome. They want to streamline the regulations in order to achieve these goals. Commissioner McCown stated that the majority of the people are unaware, unwilling, and financially unable to combat the problem. Eric stated that the financial part is a difficulty, and that is one reason why they have the weed fund to help begin to address the financial portion. Eric also stated that discussions amongst private landowners, County Commissioners and State legislators about what the financial burden is for different situations as it varies. Chairman Martin stated that the federal agencies should also be mixed in the process as 60% of the County is federal lands. Eric stated they are working on the federal agencies, but it would be helpful for them if the Commissioners could provide a letter or whatever to the federal agencies for support.

Amend the Zoning Resolution – Sections 4.15 and 5.10 of the Garfield County Zoning Resolution

Mark provided Don DeFord a copy of the public notification. Don found the zoning resolution to be in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the participants.

Mark submitted the Exhibits: Exhibit A – Proof of publication and Exhibit B – Staff report

Chairman Martin entered Exhibits A and B into the record.

Mark presented his report. Mark stated that as a result of the Garfield County Housing Authority going through the process of qualifying individuals for a lottery for the Midland Point (Coryell Ranch PUD) affordable housing units, a number of issues came to light. During that time, the Housing Authority had a number of people question their interpretation of the qualification of criteria in the Zoning Resolution. In an effort to provide the Housing Authority and an applicant clarification of the qualification criteria, the Housing Authority has proposed amendment to Section 5.10.01, Purchasing or Selling Affordable Housing Units, Qualifications to Rent or to Purchase Affordable Housing Units.

Mark stated that it became apparent during the qualifying process that people wanting to acquire an affordable housing unit had a variety of interpretations of the regulations. One clarification would be the definition of a "Garfield County based employer." It was always the understanding that anyone working for an employer with offices, stores or facilities located in the County be given the same weight. Staff suggested that the language be changed to reflect "an employer or business having a business office, store or facility located in Garfield County at which the employee reports to work or from which the employee is compensated, whether or not work is performed in Garfield County." Mark explained that certain contractors have their base operations in the County and do work both in and outside of the County.

Mark also noted that there is identical language in Sections 4.14.01 and 5.10.01. The original proposal is to deal with Section 4.14.01 and suggest adding the same changes to Section 5.10.01. He noted that in a recent conversation with the Housing Authority that the average area median income for Garfield County is \$42,300. This is 80%.

Mark stated that the Planning Commission has reviewed this proposal and recommends approval as required by the Garfield County regulations and process.

Chairman Martin asked for public comment. There was no public comment.

Commissioner McCown moved to close the public hearing, seconded by Commissioner Stowe.

Commissioner McCown moved to approve the Zone District Text Amendment to Section 4.14.01 and Section 5.10.01 to the Garfield County Zoning Resolution, affordable housing regulations, seconded by Commissioner Stowe. Motion carried.

Don DeFord described the issue of payment or reimbursement for meals for people who were traveling or out of town on County business. He stated the particular issue was whether or not receipts were needed to support a request for such reimbursement. In reviewing the Financial Management Guide, which this Board adopted in May 1999, there is a provision in that policy that discusses travel/business reimbursement particularly in regards to meals. There is a specific provision that provides for all employees that certain monetary amounts are permitted for each meal, \$7.00 for breakfast, \$10.00 for lunch and \$16.00 for dinner. Don stated that, however, as adopted in May 1999, the guide makes a specific exception for Garfield County Social Services employees under the Social Services fund. It also makes exceptions for certain elected officials. The way it is drafted now, these would include the County attorney, administrator, and assistant county administrator or department directors. Don stated that Jesse Smith might be able to clarify this resolution further. He understood that Jesse had a discussion with some department representatives in the middle of February explaining the policy on receipts at that time. There was no official alteration to the Management Guide by the Board of County Commissioners. The Commissioners would have to make this change, as they were the ones who adopted the Guide. This would accomplish to remove the specific exemption for employees under the Social Services Fund, hence applying the current standards to all employees. Also included in this language, again, this time the county manager, the county attorney, the assistant county manager of department heads, changing the “administrator” to “manager” as these are the current titles. Commissioner McCown asked if this also included elected officials. Don stated that it does include elected officials. Jesse stated that receipts and the business purpose are required for reimbursement. Don stated that it has to be for travel that is business related.

Commissioner McCown read from the Guide, “allowances apply to all officials, employees and staff of Garfield County, except for the elected officials, the county manager, the county attorney, the assistant county manager and department heads.” This does not apply to us. Don reiterated that the “allowances” do not apply, that is the specific definition. The actual allowances are defined to be the actual monetary levels. The elected officials are entitled to reimbursement for all expenses that are business related. Don stated that it is not just for meals; it is for all business related purposes.

Margaret Long commented that in the Financial Management Guide, it is a capped amount per type of meal for the majority of employees, including up to a 15% gratuity. If the cap is \$8.00 and only \$5.00 is spent, it would \$5.00 plus 15%. Jesse clarified that the maximum per day limit is \$33.00, plus 15% on top of the \$33.00. He said that differs from the federal because the federal guidelines have a maximum per day of \$30.00 period. Margaret explained that on occasion, when the State does trading for some of the Social Services staff, depending where they are budgetary, they will do the reimbursement of meals to staff and will use whatever is the applicable federal per diem. There is a different amount of money we are dealing with and it is a per diem without receipts. The County is going toward a cap, with certain people excepted from that, and receipts are required. This would just clarify what the exact policy and procedure is to follow. Commissioner McCown stated that since he has never used this. He questioned that if he chose not to eat breakfast, and eat lunch and dinner, would he still be eligible for the \$33.00 per day. Margaret and Jesse stated that he would not. Jesse said he would be eligible to eat breakfast if he has met certain criteria, but if he chose not to eat breakfast, he would lose that amount. Commissioner McCown asked whether the County’s policy does or does not coincide with federal guidelines. Jesse stated that Garfield County’s policy would supercede federal or state guidelines. The feds are on a per diem basis where no receipts are required. The County requires receipts for all meals for reimbursement. Don stated that a sentence should be added to the policy after the end of the provision that states, “All elected officials, employees and staff not subject to these allowances, shall be reimbursed for meals at actual cost.” He added, “paid receipts are required for reimbursement of all business expenses.”

Lois Hybarger explained that there are two different kinds of federal per diems. One is the base federal per diem that says you get \$30.00 per day, including gratuities. That is a baseline federal per diem for travel that is usually, as they define it under the continental United States. Then there are special circumstances that apply to lodging. Depending on where you are the difference varies, an example being if you were in Aspen in January or in Yuma in August. It is a situation where the County would petition to the Federal Government that the cost of living is higher in Aspen than it is in Yuma and we want those variables. What the County is trying to do today is to say everyone gets the same reimbursement across the board with receipts.

Commissioner McCown moved to make motion to approve the resolution amending the Financial Management Guide Travel Business Expense Rule Limitation that the Chair be authorized to sign, with the additional language as amended, seconded by Commissioner Stowe. Motion carried.

Jesse discussed that Lois expanded on the vouchers without receipts, which she presented to the Board last week for reimbursement to employees. They need guidelines from the Commissioners on whether to go ahead and pay them or not. Commissioner McCown made a motion to pay the vouchers that are pending up to April 1, 2002, seconded by Commissioner Stowe. Motion carried.

Commissioner McCown stated that he has a brief personnel issue he would like to discuss in Executive Session. He stated that Judy stay for this session. Commissioner Stowe moved to go into Executive Session to discuss a personnel item, seconded by Commissioner McCown. Motion carried.

The next meeting of the Garfield County Board of County Commissioners is scheduled for April 8, 2002. ADJOURN

A motion was made by Commissioner McCown, seconded by Commissioner Stowe to adjourn. Motion carried.

Attest:

Chairman of the Board

APRIL 8, 2002
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 8, 2002, with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

No one from the public was present.

COUNTY MANAGER UPDATE – ED GREEN

Out of County Dumping Fees – Tom Russell

Tom Russell explained that there is a problem with out-of-county entities bringing refuse to the Garfield County landfill. There is a budget commitment to find a way to change the fees for entities outside the County's boundaries and that the County is still receiving out-of-county fees at this time. Some of the loads are mixed from out-of-county and in-county. He presented a copy of new signage to be posted at the landfill for recommendation by the Board. Most problems stem from BFI and other waste management outfits, the City of Rifle, and large construction companies. Some entities from up valley (Aspen, Basalt, El Jebel) will store their trash in Carbondale then transfer it to the Garfield County Landfill. Commissioner McCown asked if we are cheaper than other landfills. Tom said that Eagle is the hot spot at this time, which eventually may reduce the amount coming into Garfield County. Garfield County gets most of the trash because of its proximity. The purpose of posting the signage outside the gate at the landfill is to try to prevent out-of-county dumping. There was discussion about past due accounts and Tom stated that this situation is getting better. Commissioner McCown mentioned a potential problem he saw at the landfill were the roll-offs outside of the gate and within the entrance. Tom stated that there may be a charge for those roll-offs now because of the amount that is accumulating, which also is beginning to reach the county road. Commissioner McCown moved to approve the signage with Tom monitoring it and reporting back to the Commissioners, seconded by Commissioner Stowe. Motion carried. Ed Green stated that this motion also include the rate to be assessed for the roll-offs. Commissioner McCown stated that this would not be part of the motion but will be monitored and, if the problem continues, then there will be further discussion at a later date.

Road & Bridge Summer Work Schedule – Tom Russell

Ed Green explained that this schedule is a precursor to all Road & Bridge teams within the County. Tom Russell said that this schedule has been in the works since last year's budget. He is looking at five teams now doing various work. He stated that this will help distribute the work loads without causing problems. He explained that there will be three people on the construction team and two on the truck team. The ditch cleaning team will be a priority this year, which will consist of four people. The asphalt operations will have one person, Steve West, and Districts 1, 2 and 3 will do road grading. The mower team will continue to operate as usual. He presented copies of the schedule on the various projects to the Commissioners. There will be an organizational meeting this Thursday, April 11th, which will explain the concept to all of the crews; the Commissioners are welcome to join them. Commissioner McCown asked about the Mag chloride crew. Tom stated that with the new truck rentals this work will start as soon as possible and not affect the other teams. This schedule should help in the distribution of all workers without affecting other areas within the Road & Bridge. There will be training sessions with the BLM and Forest Service regarding wild fires and fire maintenance starting sometime in April.

Courier Service – Jesse Smith

Ed Green explained that the courier service is between Rifle and Glenwood Springs. Jesse Smith said that several alternatives have been tried, including Social Services and the Clerk and Recorder's Office providing courier service. The main problem is employees do not want to do it anymore. Sandy Horn, from Rifle, is now willing to do it, but in order for her to get her other job done, she would have to work overtime. Jesse said the County would be willing to pay for her overtime. Jesse stated that the County would also pay for her mileage, or possibly the use of one of the Road & Bridge's motor pool vehicles that is about to be phased out. He added that each year one of these older motor pool vehicles could possibly be used for the courier services. Jesse state that if the County did pay for the overtime and mileage it would be approximately \$8,888 per year. He stated that they did look at farming these services outside the County but found that it would be more expensive. Commissioner Stowe asked if this amount would be charged back to other departments within the County. Jesse stated that it would. Commissioner McCown asked about using the bus service when that is implemented. Jess said because the bus schedule is so erratic it would not be convenient. Chairman Martin asked if a motor pool vehicle was available. Jesse stated that there was one available. Commissioner McCown asked if there was a van that was being used by Community Corrections. Tom stated that Community Corrections does have a van that will be going to the landfill with community correction people possibly after the pit is finished and they are ready for workers. Chairman Martin gave the go ahead to use a motor pool vehicle and that the money is made available for this service. Mildred Alsdorf asked if there will be a central location for pick up and delivery. Margaret Long stated that a consolidated place would be a good idea. She stated that money is available now and is being used for this service. She added that there is a large volume of paper and cases that need to go back and forth. Judy Osman said they have not looked at Social Services. Mildred asked about weight volume. Margaret stated that at time there is quite a bit of material to be handled. Judy stated that her biggest problem is going across town in the evening because of the traffic. It was suggested having the Social Services' delivery provided before 4:30 p.m. as a better solution. Commissioner Stowe suggested that after the move into the new building the service not be provided to Social Services until the service is

figured out and, if it is feasible, add the Social Services stop at that time. It was determined that this matter will be considered for a budgetary item.

COUNTY ATTORNEY UPDATE: DON DEFORD

Update Cattle Creek Road & Bridge Shop

Carolyn Dahlgren explained that electricity will soon be at the site, and that the agreement is in the process of finalization.

Consideration Child Care Licensing Contract with the State and

Rural Resort Region Child Care – Discussion Regarding IGA, Subcontracts with Lake and Summit Counties and Intellectual property Licensing Contracts

Carolyn Dahlgren presented the childcare issue, recommending approval and signature of the childcare licensing contract, which she passed out, to the Commissioners for review. Margaret Long added that in the state licensing contract there has been a slight format change in the signature page where the Chairman's signature is only required and not the full Board.

Commissioner McCown stated that if Garfield County contributes \$35,000, what Eagle and Pitkin pay. He stated that before the contract is signed, he would like to get that information. Margaret stated that there is an "out" clause in the contract. Commissioner Stowe stated that Eagle County contributes \$31,000 and Summit County contributes \$21,000, although Summit may not be able to commit to this depending on their TANF transfer. He asked if this has already been budgeted for with the other counties. Margaret said that she has checked into this and the other County's Directors have concurred and are waiting for the documents from their Boards. Eagle County is waiting for the document to be able to begin their contributions. Last year, Eagle County contributed \$80,000. Commissioner McCown asked what has been allocated to Eagle and Pitkin as he could not see anything in the contract. Margaret said the allocated costs are based on the workforce in each county. Pitkin County would contribute \$17,000; Eagle County would contribute \$31,000 with another \$8,000 in TANF possibly. Lake County contributes a small amount and will get the most money in return because of their size. Commissioner Stowe asked if Garfield County is pulling money to Pitkin County. Margaret said yes, but we do get reimbursed. Margaret said this is important for children under the age of five to have a permanent plan as soon as possible within these counties. Garfield County money is coming entirely from TANF. Commissioner McCown asked if Garfield County does not contribute, does the program fold. Margaret answered yes, then the program would go back to strictly the State licensing.

Carolyn stated that the amended IGA consists of five counties; other two contracts are with subcontracts with Summit and Lake counties for funding. Commissioner Stowe asked how this would be approached if Garfield County is not involved. Margaret stated that Garfield County would get the least amount all five counties were involved. She added that the first part of May is the deadline on having the IGA signed. Carolyn recommended Chairman Martin sign all of the documents at this time as her concern is Eagle County's contribution not being made if these are not signed soon. Margaret said the State will look at the number of licensed facilities per county and that the will be dollars different according to each county. Garfield County has TANF monies at this point, which could provide a stand-alone if other counties do not become involved. She said the State would be okay with this, but her biggest concern on a regional basis is the cross-training issue since this is a very complicated program. She said Garfield County might be able to get a back up from Mesa County if we do a stand-alone. Commissioner McCown asked that if Pitkin and Eagle decide not to become involved, would full-time FTE be available to do the work. Margaret answered yes, and that she still thinks Eagle will decide to become a player because of their growth. July is the beginning of the contract program. If Garfield County doesn't have the documents signed before the first part of May, then a letter agreement will have to be done throwing program off course and the State contract would have to be redone as well. She is seeking direction from the Commissioners on what to do with contract as time is of the essence. She stated that the deadline might not be met because of all of the documents that need to get to each Board and back by May. Commissioner Stowe stated that he would like feedback from the other counties on this before any consideration is made. Commissioner McCown asked if these documents have to come back to us before submitting them to the State. Carolyn stated that only the State contract would come back to us first. Carolyn said that this contract only states that we will be providing this program through the five counties. Commissioner McCown asked if everyone else decides not to play, would Garfield County have to come up with approximately \$65,000. Commissioner Stowe stated that he would like to look at the contract to make sure of Garfield County's total contribution. Margaret asked if she could get the Board's approval to send out the documents to the other counties now to get an idea of who will be involved. It was the consensus of the Board to have the documents sent to the other counties involved. Margaret added that Eagle and Summit counties are the key players and she wants to find out where they stand. She will e-mail the documents now and report to the Board on their status.

Executive Session

Commissioner McCown moved to go into Executive Session to discuss two current litigation and two pending litigation matters, along with a personnel matter, seconded by Commissioner Stowe. Don DeFord stated that this session would last for approximately 45 minutes to an hour. Motion carried. Commissioner Stowe moved to come out of Executive Session, seconded by Commissioner McCown. Motion carried.

Commissioner Stowe moved to join with CMC in their litigation against the DDA/TIF, seconded by Commissioner McCown. Motion carried.

Commissioner Stowe moved to pay medical insurance for the next six months for Tom Trevena as he has exhausted all of his medical leave, seconded by Commissioner McCown. Motion carried.

COMMISSIONER REPORT

Commissioner McCown asked Guy Meyers to set up a meeting with all fire districts included in the DeBeque area for a uniform plan in the area West of Parachute to Roan Creek. Garfield County may have to form a taxing district to get this set up.

Commissioner Stowe stated that the Mayor's personnel meeting has been cancelled, as RFTA has not gotten back to them.

There will be a County personnel meeting on April 16.

Chairman Martin will not be at next Monday's meeting, April 15.

Parachute schools will have a mock accident on Tuesday, April 16 with EMS and fire and law enforcement.

Chairman Martin discussed a meeting with CDOT regarding Mag chloride.

CONSENT AGENDA

- a. *Approve Bills*
- b. *Sign the Bowles Subdivision Exemption Plat*
- c. *Sign the Resolution Concerned with the Amendment of the Subdivision Regulations of Garfield County, Modifying Section 9:18*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve Consent Agenda Items A, B and C. Motion carried.

Bridge Inspection Report – Hap Elsworth – Kirkham Michael Consulting Engineers

Stanley Kobayashi, project manager, Luis Pissarra and Julius (Hap) Ellsworth were present. Hap gave a brief description of the \$25 million engineering firm from Omaha, along with a new office in Greeley and one in Englewood.

Hap explained that the bridges in Garfield County range in condition from poor to very good. Poor condition can be something simple such as problems with the deck or substructure that require minor repairs. Garfield County has a total 26 bridges. There were 28 but two were dropped because they were non-qualifying.

Jeff Anderson and Project Principal Tom Eversoll from Kirkham Michael were also present. They have a full range of people working for them in bridge inspections. Kirkham Michael has extensive experience in bridge design. Hap explained several of their projects in a slide presentation, along with the performance of their company and their costs. Most of their projects came in under what was originally estimated. In the bridge report, Hap explained that this describes their program operations and bridge inventory (which includes all history on each bridge). He showed a load-posting certificate as Garfield County has one bridge, East Elk Bridge on County Road 245 that needs this certificate to be posted on each end of the bridge. He said Garfield County does not have any critical bridges at this time. He explained the costs involved in bridge repairs. Urgent bridges deal with signing or a critical element in the bridge that needs to be repaired which, most of the time, deals with the delineation markers at the end of the bridges. Program repairs include the need for scheduling regarding traffic due to safety repairs, which consist of rails being brought up to CDOT's standards. A deficiency bridge list includes bridges that are in need of rehabilitation or replacement. A sufficiency rating deals with the superstructure of a bridge (steel, concrete, truss, etc.) and the sufficiency rating of that bridge.

Hap showed several slides of various bridges with damage within the County that is damaged. Garfield County has a bridge on 106 Road that has severe scour damage. The County Road 108 bridge is in the poor condition category as the abutment back wall has perforations through the steel. Hap's recommendation is to replace the abutment back wall. The County Road 109 bridge's concrete has broken off and there are cracks on the underside through the deck. Hap said this is a fairly long bridge with truck traffic, and that the cause most likely is from the deflection of the girders. He stated that they could not do a lot to repair the cracks, as they are not large enough. They could patch the concrete, but it may pop off. The No Name Bridge, County Road 129, is an old CDOT bridge, which is starting to show its age. The bridge's rail is disintegrating and needs to be replaced. Its east wing wall is starting to disintegrate and fall apart. The cracks in the abutment are not critical and, overall, the bridge is in fairly good condition. He did suggest that the deck be repaired. The County Road 243 bridge shows scale on the decking with exposed aggregate. Hap said it is not critical at this point, but does need to be repaired by power blasting with water and a waterproof membrane put down with an overlay. The bridge has poor consolidation with the stream moving into the aggregate, which needs to be repaired. The curve on top is disintegrating and in poor condition, and will need to have both the rail and curve removed. The rail will need to be reset after the curve is replaced. Part of the rail is missing and needs to be replaced. The County Road 300 bridge is not getting full bearing on the girder-bearing pad. The only repair to that bridge would be to jack up the girder. The County Road 324 bridge's decking is loose which has caused the asphalt to break up. It has many patches now and after their inspection, the deck failed a test they performed. The decking has now been replaced. The 324 bridges also showed some damage on the guardrails from several collisions. Another slide showed where decking has been separated on many bridges from the connection to the road.

Hap explained their activity report on bridges. This is done for several reasons. It allows them to be able to detect which bridge needs certain repairs. At end of a report, a total cost is given for each bridge. He stated that most repairs are for bridge approach rails and bridge rails.

He explained a web site for CDOT, which gives current M standards of various bridges. In the summary of this site, it specifies what can be done according to the need.

Commissioner McCown had a question on the bridges in Appendix A and if they are all City of Silt's bridges. Tom Russell stated that they are still under the County's maintenance but, once development starts in Stillwater, then Silt will take over the maintenance.

Stan Kobayashi added that CDOT is actually looking at including all pedestrian underpasses in bridge inspections. He said Kirkham Michael would know for sure by June. The Commissioners will research that. Tom said that County Road 109 has a golf cart bridge and asked if this would fall under the pedestrian underpass inspection. Hap said it would not make any difference what size or type it is. Tom is currently work with Hap on this issue and will keep the Commissioners posted.

Discussion and Approval of 2002 Re precinct map

Mildred Alsdorf reported that last week she and staff went to look at the new reprecinct areas. They found no reason why these areas were redone. She is asking the Commissioner for approval move start setting the new re-precincting district information. She said that Garfield County has gone from 25 to 27 districts. She added that District 16 had to be split in two, District 16 and District 17, because of its size and the unavailability of a place for registrants to vote. She went to Parachute/Battlement Mesa and said it looks as if the Reapportionment Committee just went in and drew a line. She said the State office gave her the okay to move the line to County Road 301. Her staff is now working on the new map depicting the new precincts. She needs approval to move ahead on the re-precincting work and a signature of a resolution

amending of previous resolution for in regards to Commissioner districts. Commissioner McCown asked if most of the precinct lines followed a definitive boundary. Mildred stated that most of the lines follow roads or creeks. She added that lines were moved only if two representative or senatorial conflicts were in an area. Mildred stated that census lines were also used, but they do not follow the precinct lines causing some of the problem. When the map is finalized, Mildred will send them to the media as soon as possible since caucuses were extended to April 23 because of the redistricting. Garfield County is the only county that has to do so much extensive work on redistricting. Commissioner McCown moved to approve the re-precincting plan, seconded by Commissioner Stowe. Motion carried.

Chairman Martin asked if the Board needs to send a letter to the RE-2 School Board regarding the extension of utilities in Silt for the new high school. There was a brief discussion about bringing the matter to the County Planning & Zoning Board. Commissioner McCown thought it was a done deal with Silt. Chairman Martin stated that these utilities are outside of Silt's water and sewer district, and that they will need some acceptance by the County. Mark Bean was called into the meeting and asked about this matter. Mark stated that his office has not received the information and he has no information. Chairman Martin stated that they are doing test drilling on the site at this time. Mark was not aware of that activity. Planning & Zoning will ask about a meeting with Silt. Mark said his office has a letter from the Town of Silt and that they have been put on notice in regards to the statute.

Commissioner McCown stated that he is still getting numerous complaints regarding the overweight vehicle-permitting program. Tom and Ed were called into the meeting for discussion. Commissioner McCown stated that people in his end of the County could not come up with the amount of money needed for a \$500,000 bond to be able to use their trucks. Commissioner McCown asked that the permitting process be restructured to be fair to all areas of the County. He does not want to see the revenues depleted but he also does not want to see people being put out of business because of the amount they have to pay. He added that smaller operations are starting to do their moves without permits hoping not to be caught. Tom said they had looked at this matter earlier this year and are continuing that process. He added that CDOT is charging \$425 for an annual permit per truck. The County is looking at that price also. Tom explained that they are also looking at what other counties are doing and said that companies would much rather see their return on this money put back into the roads.

Commissioner McCown stated that it is still a problem even with the frost law now off. Tom will put a rush on this matter and report back to the Commissioners. Commissioner McCown asked him to supply those numbers to Jesse. There was no further discussion.

Jesse Smith stated that he received a letter from the City of Glenwood Springs with a check in the amount of \$40,000, which is the reimbursement on the County jail site, which will accommodate the new City Hall. Jesse stated that they want the County to pay \$94,000 on the Midland/County Road 117 intersection, and \$250,000 on the courthouse landscaping. Jesse has a minor concern with the current IGA with the City in that it says the City will pay \$250,000 for the landscaping. Jesse asked if this IGA should be modified to clarify this matter. In a previous meeting, it was a verbal agreement that the City will do certain work and the County would do certain work. Ed Green said another aspect of this is do we want the City to do the negotiations. Commissioner McCown asked if the \$40,000 covers the relocation of the transformer that is now on County property. Ed stated that this amount only covers utilities. Commissioner McCown said the County should hold on to the money until a proper IGA has been completed. Jesse explained that the \$94,000 was a done deal. He will issue a voucher to pay the \$94,000 and hold the \$250,000 until a revised IGA is approved. The City has not returned a revised landscape plan, and that the only one we have now is without trees. Randy Withee came into the meeting and stated that the plaza price should come in at end of this week. He said his plans still show trees in front, but not from the flagpole to the other side. He said the County would improve that area. Ed stated that the original question is whether the City or the County negotiates this. Commissioner Stowe stated that the County needs to be involved in the negotiations with the IGA. Don DeFord stated that the existing IGA does not include the jail. Randy said he already has an existing dollar amount list from the City. Ed wants to make sure the unit prices have not changed. Jesse stated that the acceptance of the design is when the County is obligated to return the \$250,000. Don said the money would be returned once the amended IGA is received.

Chairman Martin asked if the placement of the transformer was within their agreement as it is on County property. Ed said it is now a safety issue in regards to the jail. Commissioner Stowe said to find out if there is an easement there. Don stated that he had talked to Carl Hamlin regarding the use of the common areas. Don hopes to have a license agreement next week regarding this. He will need to know about establishing a buffer area to not have construction material too close to the jail. Don asked if this license agreement would also allow for the go ahead of the landscaping, and that he was not aware that the transformer was put onto County property. These issues definitely need to be addressed.

It was the consensus of the Board that the \$94,000 is returned to the City, as the annexation of the Midland/County Road 117 intersection has been complete.

Chairman Martin recessed the meeting for lunch at 11:35 A.M.

Chairman Martin reconvened the meeting in Regular Session at 1:05 P.M.

BUILDING & PLANNING: PUBLIC HEARING

Continued Public Hearing on the Cinderbetts Subdivision Preliminary Plan for further deliberation and decision

Chairman Martin said that Commissioner McCown had made a previous motion to approve and that motion has been defeated, therefore another motion is needed either based on information presented at the previous meeting or a motion to deny with findings. Commissioner Stowe moved for a motion to deny based on lack of adequate drain plan and the belief that this area is premature for such growth in according to Subdivision Regulations 1:22 primarily due to lack of adequate width of Mel Ray Road. Chairman Martin stepped down from Chair to second the motion. Commissioner Stowe reiterated that the road is not wide enough with only a 30-foot right-of-way for commercial development. At some point in time, the County needs to look at zoning that area either back to residential or some steps being taken in order to make Mel Ray Road wider which would be a tremendous cost to the County in acquiring proper land for such an easement to happen. He believes the County is not in a position to do the approval at this time. However,

if the person proposing this could bring forth their ideas of a proper drainage plan, as well as conformity to such justification as to why the traffic can support this development, then he would be within his rights to abandon this project. Chairman Martin agreed that the Board is premature in this decision, and that it needs to be revisited after improvements or zoning changes are made. He stated that there is a great need for a drainage study at this time because there is a groundwater problem in that area. There was no further discussion, and no comment from staff, but they are aware of the issue. A 2:1 decision to deny was made in that it is premature for approving a development, along with the lack of drainage. Commissioner Stowe stated that staff is instructed to pursuing the rezoning of this area. He would like the zoning changed from commercial to residential. Don DeFord stated that this matter should be referred to the Planning Commission. Commissioner Stowe moved for a motion that the Cinderbetts Subdivision preliminary plan be denied at this time and that staff will be directed to pursue the rezoning issue, seconded by Commissioner McCown. Motion carried.

Allow for Placement of a Manufactured Home in a floodplain by Special Use Permit. Location: Lots 16 & 17, Block 6, 0176 Village Drive, Rifle Village South Subdivision. Applicant: Tom and Vickie Fisher

Present were Leonard Isen, President of Rifle Premier Homes, Vickie Fisher, Tom Fisher and Rick Kronizon, Project Manager of Rifle Premier Homes. Chairman Martin swore in the applicants. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioner they were entitled to proceed.

Mark Bean submitted the following Exhibits: Exhibit A – Proof of Mailing; Exhibit B – Green and white return receipts; Exhibit C – Application; Exhibit D – Project Report and Staff comments; Exhibit E – Garfield County Zoning Regulations of 1978 as amended

Chairman Martin entered Exhibit A through E into the record.

Mark stated that the applicant is requesting placement of manufactured home within an established subdivision located on the south side of I-70 in the Rifle Village South Subdivision, at 0716 Village Drive, Rifle Colorado. The property is currently vacant. The proposed unit will have to be engineered to meet the design requirements as identified in Section 6.02.09, Flood Fringe/Flood Prone Areas, and to the County manufactured home minimum requirements.

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 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. The Board of County Commissioners could grant an extension.

The lowest floor of any habitable portion of any proposed structures is to be constructed one (1) foot above the maximum water surface elevation of the 100-year flood event. Before the 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 Geotechnical Engineering Inc.

That the engineer verifies that all excavation and foundation bearing strata were observed and that no changes were necessary before the foundation is being poured.

A letter from a Colorado Engineer is required that states the foundation will withstand hydraulic impacts of flooding.

Commissioner McCown moved for a motion to close the public hearing, seconded by Commissioner Stowe. Commissioner McCown moved to approve the above Special Use Permit allowance with the recommendations and conditions stated, seconded by Commissioner Stowe. Motion carried.

CONTINUED PUBLIC MEETING TO CONSIDER THE APPROVAL OF AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR JIM MAHAN

Present were Charlie Willman, attorney, and Roberta Mahan.

Mark Bean presented the actual well permit issued by the Division of Water Resources. He stated that the permit appears to be valid for two dwelling units in consideration of the above exemption. Mark noted that Planning still requests the applicant to have a more current water test done as the last one was dated 1982, and that test should include levels of nitrites, nitrates and suspended solids. Mark said that a determination of the status of the “public right-of-way” presently identified as County Road 126 still needs to be done as the most recent record found from Road & Bridge is dated 1988, showing that the County is claiming County Road 126 as a part of our highway users tax fund request. Mark recommends that the Board determine if this is a road that is accepted by the County. Chairman Martin asked about the mileage on that road given in the report and how much was being claimed by the County. Mark did not see the reports as it was verbally reported to him. Chairman Martin believes that mileage to be over a mile, approximately 1.6, and that would take in the Mahan property almost all the way to the end of the cul-de-sac. There were no further considerations from Planning.

Charlie passed out copies of the bacterial report from June of 2000 indicating that the water was tested for bacteria. He stated that the water would be retested for nitrites, nitrates and suspended solids as requested. In regards to the road, he stated that historically it is a part of the County, not only the filing with the Federal Government, but also there have been some issues with applicant and the County in the past about the use of the ditch for water diversion and other issues that this is a county road. He also mentioned some realignment with the road that occurred at other locations, but has been at the same location through the Mahan property since 1987 when they purchased it. Charlie asked whether there is an issue with protective covenants. Chairman Martin stated that this would not be an issue in this matter. Chairman Martin entered the bacterial report from the Colorado Department of Public Health and Environment dated June 12, 2002 as Exhibit L into the record. He also noted that the memo from Mark Bean be entered into the record as Exhibit M. There was no further discussion from the applicant.

Chairman Martin asked for public comment. Chairman Martin swore in Kathleen Harris, adjoining property owner to the Mahans. Kathleen stated that she has lived at her residence for 25 years. She wanted to add that in 1975, in Book 751, at page 224, “restrictions be placed on the sale of property such that this road not be the responsibility of the County Commissioners unless property owners bring the road to

complete County specifications and then petition to have the road accepted under Garfield County standards.” She also had a letter she read from that was attached to a copy of the original Subdivision Exemption, which she passed out to the Commissioners. Chairman Martin entered the letter with the attached Subdivision Exemption into the record as Exhibit N. Kathleen identified Exhibit N as Resolution to SB35, which is the subdivision exemption of this property that was recorded in 1989. She read “the subdivision and subdivided land as set forth (the 20 acre property of the Mahan’s); this exemption is granted under specific conditions that all agreements, covenants and conditions set forth in the petition be complied with.” She said it does list covenants, and that was the only way this property would be divided originally. She stated the covenants were an issue with the County at that time. She said the subdivision exemption procedure, in Section 8:10, addresses the general applicability of the procedure. The Board of County Commissioners has a “discretionary power to exempt a division of land from the definition of subdivision and, thereby, in these regulations provided that the Board determines that such exemption will not impair or defeat the standard purpose of the subdivision regulations nor be detrimental to the general public welfare. The Board may deny an exemption request.” As an adjoining of Mr. Mahan, they have repeatedly described his non-compliances in previous letters to the County Commissioners. She stated that this has been an issue of detriment to the welfare of his adjoining neighbors. The Board’s power is discretionary – this means that the applicant has no right to approval. It is up to the Board to determine whether the request is in the best interest of the public, and that does constitute his neighbors. The Board’s discretion includes the power to deny the request. The applicant, Mr. Mahan, has a demonstrated history of disregarding land use conditions imposed by Garfield County. She stated that since the applicant has ignored prior conditions of approval demanded by this Board, there is no reason to expect that the applicant would comply with any new conditions. Accordingly, denial rather than conditional approval is appropriate. Further, she stated that granting this request would impair or defeat the stated purpose of the subdivision regulations. That purpose is stated in Section 1:21 which provides, in relevant part: “the subdivision regulations are designed and enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Garfield County by encouraging orderly development in accordance with established County policies and plans.” Mr. Mahan has not demonstrated orderly development. Again, she said they have repeatedly given you examples of non-compliance. He has continually evaded normal procedures and compliances. The intent of the original subdivision was to effectuate a common scheme. After this conveyance in 1974, some of the parcels were further subdivided through the County subdivision exemption process. Restrictions against resubdivision were included in the deeds each time one of the parcels was further subdivided. These restrictions are substantially identical for all of the various parcels and further indicate that this was a common subdivision scheme. The 20 acre parcel owned by applicant presently at issue was one of three lots created out of one of the 40 acre parcels, and included a restriction on resubdivision which the Board of County Commissioners approved on October 20, 1975, permitting the creation of yet another law would thwart the intent of the subdivision regulations to provide for the orderly and considered development of subdivided land. In section 8:52 of the County Regulations it includes that “any parcel to be divided by exemption that is split by a public right-of-way preventing joint use of the proposed tracts and the division occurs along the public right-of-way, such parcels thereby created may, in the discretion of the Board, not be considered to have been created by the exemption.” Here the applicant is relying on the county road exception to justify splitting the 20 acre parcel. However, the applicant has not demonstrated that the county road prevents joint use of the proposed tracts. The zoning for the property allows one single-family dwelling and one accessory dwelling unit per lot. Presently, the single-family dwelling is located on the north side of the county road, and the cottage on the south side serves as an accessory unit. Thus, the two tracts are already being used jointly to obtain the maximum number of dwelling units – one main dwelling plus one accessory unit on the 20-acre property. These uses have existed for many years. Mahan has used his property jointly since they purchased it and, historically, it was used this way before they owned it. The applicant cannot establish that the public right-of-way prevents the joint use of the proposed tracts. The barn structure is a third dwelling on the property in direct violation of the zoning regulations. The applicant has a shed, a fourth dwelling unit, which has also been inhabited. Those four dwellings have been inhabited at any one time. Due to the applicant’s history of ignoring zoning requirements despite express warnings from the County, there is every reason to expect that zoning requirements will not be met if the application is granted. She stated that Mr. Mahan may currently be in compliance because he wants this exemption, but history proves that after this hearing, he will resume use of all dwellings as he chooses. If this exemption is approved, the message to property owners would be to build whatever you want and seek approval after the fact. The Board has broad discretion to grant or deny subdivision exemptions based upon the best interests of the general public. We believe that the Board should consider these additional issues. The applicant submitted an identical application for a subdivision exemption in 1989. That was never finalized due to a conflict with covenants on the land that prohibited further subdivision of the property. The covenants at issue, recorded in Book 477, page 469, clearly states that “no tract of land may be resubdivided in to small tracts of land.” The applicant verbally represented to the County that the covenants had been terminated. The applicant has offered no evidence demonstrating the termination of the covenants and we believe that they are still in effect. The subdivision of the original 260-acre parcel was a common subdivision scheme with substantially identical covenants and restrictions applying to the parcels. Therefore, to change the covenants on January 1, 2000, a majority vote of all the tract owners within the original 260-acre parcel was necessary. No notice of a vote was provided to all of the tract owners. Therefore, the recorded covenants were renewed for another ten-year period. This application for a subdivision exemption is in direct conflict with restrictive covenants on the property. The County resolution that approved the subdivision exemption by which the applicant’s parcel was created stated that “this exemption is granted upon the specific condition that all agreements, covenants and conditions set forth in the petition be complied with.” She stated she had given the Commissioners a copy of that. The covenants quoted above were a condition of approval of the subdivision creating the applicant’s land. Therefore, as a condition of both the County approval and protective covenants, any resubdivision of this parcel is prohibited.

Chairman Martin swore in Dennis Hines, lives on the property adjacent to Kathy Harris and Mr. Mahan. He stated first that the question of the termination of the covenants as such (here he added that he received a letter from Mr. Mahan's lawyer in January 2000) saying that the covenants were now terminated. That was the first he had heard that the covenants were terminated. He conferred with Sharon Stephenson, another property owner on the same 40 acre plot, was not consulted. It simply seems to be the opinion of Mr. Mahan's attorney and Mr. Mahan that they have the power to terminate the covenants. When they took Mr. Mahan to court privately to determine whether he was in the right or the wrong, and he was judged to be wrong, in violating covenants, it was at that time brought up as to whether the covenants covered the whole territory or went by each 40 acre plot. He stated that the matter was never settled and is not settled to this day. The termination referred to in the paper that Mr. Mahan's attorney gave you has no legal standing as far as he can see. He stated his relationship with Mr. Mahan and his doings still stands but has nothing to do with the question of water or the road about which he feels he is not competent to decide. He said it seemed to him that the water question is tied into the whole water problem of the area. He stated that a Mr. Sanderson, who is in charge of his pump since he has lived there for 15 years, keeps saying that he is waiting and wondering when the big development above them (cannot remember the name of the subdivision) will make all the wells go dry. It is a question of the history of the whole area being very, very poor in terms of adequacy of water. His well has gone dry twice since he bought his property just above Mahan. Dennis stated that he knows Mr. Mahan's spring well, as it was called at the time he first moved there, went dry twice while they were away in the summer time. It is a pretty iffy thing and the only reason he thinks his well came back was because the Hughes Reservoir was recharged. He did not notice the statement in Resolution 58 or 5B, whichever it is, states that one of the principle reasons for doing this and getting the approval from the County was to guarantee the low density of the area, which is basically what we are looking for and whatever legal factors may be involved. Low density is their goal and has been all along. They do not see why this cannot continue to be the case. He had no further comment. Charlie had a brief rebuttal to the public comments. He stated that there are three properties that are subject to covenants that are associated with this property. One owned by a Kenneth Green, one owned by his clients (Mahan) and one owned by Sharon Stephenson. Ms Harris and Mr. Hines are in another 20-acre parcel. The history of these areas, originally 120 or 240 acre parcels, somewhat convoluted, but he had reviewed what Mr. Schenk did who is the one who originally gave the opinion that the covenants had been terminated and believe that he is correct in his opinion. On January 20, 1999, by document number 556907, there was a recording of the determination of the covenants, which was before the ten years, so they did not automatically renew. It is his position that those are not in place and, if Mr. Hines and Ms. Harris believe it is, I guess they would have to initiate court action to try to prove that. The court did actually deal with the covenants that were then in existence, and that was a decision by Judge DeVilbiss in 1994 when indeed the covenants were still in place. That is no longer applicable law since they have been terminated.

With respect to the non-compliance issues, Charlie stated that Mr. Mahan has worked diligently to comply with them and will continue to comply with them so that the approval of the subdivision can be made. He spoke to Mark Bean about the water supply for the third unit, and the Mahans will apply for that if it is granted. He stated that there is a legal supply of water at this time, but that is not the issue today. They have satisfied all the criteria as far as the Board's discretion, although the Board does have the discretion as to whether or not they affirm or deny it. He stated the property is divided by a public road; the Board has accepted it and have represented to the Federal Government that indeed it is a public road. Charlie is recommending that the Board grant this exemption request.

Commissioner McCown asked if, in the January 20, 1999 resolution, there was a record of action by the three parties involved. Charlie passed out a copy of that resolution. Chairman Martin entered that resolution into the record as Exhibit O. The issue raised was whether or not there was a notice as there was no requirement of notice be given in the covenants. If the covenants want to get together on their own to make a decision, they can. Two of the three of them did and what you have has been signed and recorded in December 1999 before the ten years expired, therefore they did not automatically renew under their terms.

Commissioner Stowe asked Don about one of the conditions of Resolution SB35 that if they comply with the covenants that are in affect today and if that is important as to whether or not they still agreed with the conditions of the covenants when this was granted some 20 years ago. Don stated that the covenants are referenced in the Resolution of Approval, the one that were in affect then. Commission McCown stated that the covenants that created the three parcels were referenced in March of 1989, and then in December of 1999, a vote was taken to remove the covenants. Isn't that over ten years according to my math? Don said that one of his questions is about the Resolution that was recorded in 1989, but based upon the Commissioners as set forth; clearly that action took place prior to that date. Commissioner McCown asked whether the covenants would have had to be in place prior to March of 1989 for them to reference them, and wouldn't it be safe to assume that sometime during the ten-year period prior to March of 1999 it was renewed. Don stated that they should have. Commissioner McCown said that there was an action taken on December 17, 1999 vacating them. Don stated that he does not have the original covenants and that would really be helpful. In finding a copy, Don stated that is earlier than 1989. Kathy Harris has the October 20, 1975 resolution with the attached covenants. Chairman Martin requested a copy of that for the Commissioners. Don stated that they were incorporated into the resolution, whatever was in place at that time. Chairman Martin entered the copy of the covenants into the record as Exhibit P.

Commissioner Stowe asked Mrs. Mahan about a previous statement of four residences being on the property at one time and if the property has that ability. Roberta Mahan stated that the property does not have that ability and there are not four residences on that property. Commissioner Stowe asked if the barn was equipped with sanitary or kitchen facilities and water. She stated that it has toilets and water, but it was used as an art studio and there are no kitchen facilities there. Commissioner Stowe asked if the shed had any facilities in it. Roberta stated that the shed has nothing in it, it is just a one room, a storage shed with no kitchen, no plumbing. There are only two dwellings, the main house and the guesthouse, on the property with plumbing and kitchen facilities. Commissioner Stowe asked if they chose to build them.

Roberta explained that those dwellings were already there when they bought the property. Commissioner McCown stated that they have been approved that way by action, has the guesthouse an approved use even though it is on the opposite side of the road. Roberta stated it has been approved as a guesthouse. Commissioner McCown asked if the guesthouse is an approved use on the parcel of property that we are talking about today – you have one house on one side of the road, the guesthouse on the other side of the road. She stated that it was. Mark Bean clarified that it is his understanding that it is not approved by resolution; it has been acknowledged or generally accepted as being a non-conforming use as it was in existence at the time the original ranch was developed and this is the original ranch house or accessory structure. Commissioner McCown stated that as a point of clarity, in order for to be an accepted non-compliant use it would have to be assumed as it is on a single parcel. Mark stated that it would not because it is an accessory structure to the principal dwelling. Mark corrected himself by saying they would have to be on the same piece of property. The proposal before the Commissioners is to split that off as an existing use. He stated that the existing use is all one parcel, the house and the guesthouse are all presently on the same parcel of land, which if this action were to be approved, it would be split into two properties. The guesthouse would become the principal dwelling on that particular piece of property. Commissioner McCown asked if the split were made, that would allow for another accessory dwelling on each parcel. Mark stated that could be requested.

Charlie stated that regarding the renewal every ten years on the covenants, in H on the last page on Exhibit P, it talks about that the covenants are to run with the land until January 1, 2000, and then for a successive ten year period. So by the determination, which I gave you as Exhibit O that they terminated it as to this parcel as of that date, before the January 1, 2000 date. Don state that first looking at the resolution in the handwritten section, it incorporates the covenants set forth in the petition. The petition is attached to this document and the petition specifically includes and sets forth all of the covenants referred to the resolution in Roman numeral V of the petition. It includes the termination provision of paragraph Roman numeral V H as well. Commissioner McCown said it still appears that referring back to actions that happened in 1989 that this division would never have incurred had it not incorporated the covenants that were accompanied with it on the resubdivision. Don stated that was right. Charlie clarified that this was approved back in 1975 not 1989. It was recorded in 1989, but approved in 1975 if you look at page 2, actually page 3 in the exhibit. It says it was approved on October 25, 1975. They made the covenants part of the petition. He also noted that in talking about submitting subject to the covenants and being approved, part of the covenants is that they can be terminated. So, we have complied by terminating the covenants. I think we are able to subdivide the property because the covenants that bound that lack of resubdivision are no longer applicable even under the terms of this approval back in 1975.

Dennis Hines stated that at the time of the civil action against the Mahans, our lawyer Lee Leavenworth drew up an elaborate argument for why all the covenants held together, it was one covenant. Lee agreed and we agreed that everything was so tentative as there did not seem to be any final determination on whether they were in effect. Mr. Mahan's argument is that the covenant goes with the date and if the date is different, the covenant is different even though it is the same piece of paper and was given by the same person. He does not know the legal ramification of that, but he does know that if it hasn't been so definitely defined as Mr. Lee Leavenworth pointed out in his paper (he didn't bring the paper), then his opinion is that the covenants hold for everybody on the hill. I suppose we could use that and go after him again on a civil suit for covenants. The only problem being that it would be a lot of money.

Kathy Harris added that Larry had asked Roberta if the dwellings were being inhabited, more than one house and one accessory dwelling. She stated that to be in compliance with this procedure, the Mahans have put their renters out of their cottage for the time being. So, through the winter the house was rented, cottage was rented and the Mahans were living in their remodeled barn. There were three dwellings that were inhabited full time. Now, for compliance, they removed their kitchen appliances from the barn, and they are actually sitting outside the front door of the barn. She stated she wanted to point that out; this is another issue of non-compliance and fear of this history repeating itself, so I wanted to point out that what she said about two dwellings being inhabited was incorrect. Until just very recently, there were at least three inhabited with running water and kitchen facilities.

Charlie stated that one of the cabins was their daughter and that is currently in compliance. It is our intent to bring the barn into compliance before they occupy that structure again. The goal here is to get to the right decision. There were no further questions.

Commissioner Stowe moved for a motion to deny the exemption from the definition of a subdivision in the Mahan matter based on several facts, primarily the need to comply with covenants which I have not been satisfied that they are adequately handled at this time, as a condition of the original approval, seconded by Commissioner McCown. Commissioner McCown agrees with Commissioner Stowe and his second that it has not been satisfied in his mind that the initial creation of this parcel in 1975 when it was vacated on behalf of the Commissioners at that time two of which signed Resolution SB35, the one that was presented in evidence, that it was not granted in fact on the conditions that it would not be resubdivided. He does not feel that any action has been taken at least another resolution rescinding SB35 that would allow the resubdivision at this time. By the majority of the Board, the motion to deny was carried.

Chairman Martin stated that the question in reference to the road of 126 has not been answered.

Commissioner Stowe thought that they had set precedent that if we claim highway user's tax it is always a county road. Don stated that it has been accepted as part of the county road system. There was no further discussion.

Consider the Approval of an Exemption from the Definition of Subdivision Located to Create One Exemption Lot of 5 Acres, Located Southwest of Carbondale off of County Road 108. Applicant: John Martin

For clarification to the public, Chairman Martin stated that he and the applicant John Martin are not related other than by the name.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Mark Bean submitted the following Exhibits: Exhibit A – Proof of Publication; Exhibit B – Return Receipts; Exhibit C – Application with all attachments; Exhibit D – Project Report and Staff Comments; Exhibit E – Garfield County Subdivision Regulations of 1984 as amended; and Exhibit F - Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin entered exhibits A – F into the record, and swore in the speakers.

Mark reported that this is a request for an exemption from the definition of subdivision. The tract of land is located approximately three miles west of Carbondale off County Road 108. The site is 53.161 acres in size and the applicant is proposing to split the tract into two parcels of approximately 5 and 48 acres each. Each parcel would share a domestic well for water and utilize an individual sewage disposal systems for sewage treatment itself. This application does qualify under the exemption criteria and that the parcel itself existed prior to January 1971, which included in the application, are documentations of deeds and transfers of deeds, particularly the deed to the Crystal River Ranch Company dated August 11, 1971. The larger piece has been split one time and the other larger parcel adjacent to it could have one additional split beyond what is being requested here. The applicant is requesting one of the two remaining splits as would be allowed under the subdivision regulations per exemption. The proposed parcel is at least two acres of size, which is consistent with and would comply with the agricultural/rural density zoning. Staff has noted that there are, in terms of geologic hazards, some sites within the project that have slopes in excess of 40%. The proposed five acres site presently has a house on it and there are no 40% slope constraints. The 40% slopes that would be located on the remainder 48 acres do not consist of a majority of the property and should not present a problem, but should someone decide to build on one of those 40% slope areas; it would be subject to a special use permit. As noted previously, the applicant is proposing to use a well permit #210026 as their source of water. Its production is 15 gallons per minute. Staff has noted that it has been the County's policy to require a pump test as well as a well sharing agreement and a water quality testing for any well that is to be share. It is also necessary to show on the well a ten foot square easement for access and maintenance for all parties involved as well as a ten foot wide access and maintenance easement from the well site to the property being served. As noted the Carbondale Fire Protection District has provided a letter to the applicant letting him know that the property is located within the service district and will be serviced for both fire and EMS services. It is noted that the five acre parcel is contained within and surrounded completely by the remainder parcel, so it will be necessary to have an access easement at least 25 feet in width going through the part of the remaining 48 acre parcel from the five acre parcel to provide access to a public road as required by zoning. Mark suggests that all of the standard plat notes regarding fireplaces, dogs, etc. in this section would be included on any proposed exemption plat. Staff recommends approval of the proposed exemption subject to seven conditions of approval included in the staff report.

Chairman Martin made a reference of a plat note as to the right to farm, this property is right in the middle of a prime agricultural area and he does not see that on the plat. Mark stated that it is on the plat. John stated that his plan at this point is not to sell the property. Commissioner McCown stated that on the access to the house and five acre parcel, is the driveway going to be a single use access, will the need be foreseen to access any part of the 48 acres through the same access. John stated that it would be a joined access. Commissioner McCown stated that there would need to be an access sharing agreement since this parcel is being severed to make sure there would be an agreement in place between John and a future buyer. Mark stated that this access sharing agreement would need to be submitted prior to approval of the plat. Commissioner McCown moved for a motion to approve the exemption from the definition of subdivision with the seven conditions of staff as noted, including the right to farm, and the access sharing agreement being signed and returned prior to signing of any plat from the Chair, seconded by Commissioner Stowe. Motion carried.

Consider the Approval of an Exemption from the Definition of Subdivision Located Southwest of Rifle off County Road 321. Application: Beth E. Brock

Present were Beth Bock and Chris Manera of Colorado River Engineering of Rifle. DeFord clarified that this is an exemption request. Don questioned the date of notification. He stated that the notification does not seem to be in compliance with the 30 to 60 days timeline. Chairman Martin postponed this hearing to a separate notification 30 days ahead of time to comply with the timeline. It was the consensus of the Board to rehear this matter at a time when the applicant has complied with the time frame for notification.

Consider an Amendment to the Cooperton Townsite Plat to Dissolve Two Lot Lines Between Lots 10, 11 and 12. Applicant: Nancy Smith

Present was Nancy Smith. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. There were no challenges to the notification. Chairman Martin swore in the applicant. Kim Sleagel stated the Exhibits: Exhibit A – Green and white mail receipts; Exhibit B – Proof of Publication; Exhibit C – Application Materials; and Exhibit D – Staff Memo.

Chairman Martin entered Exhibits A – D into the record.

Kim stated that this was a request to amend the plat for Lots 10, 11 and 12, Block 4 of the Cooperton Subdivision. The parcels are located on Mesa Avenue within the RLUD zone district of Garfield County. She stated that the applicant would like to dissolve the lot lines in order to create one large lot to build a single-family home with a detached garage. Kim stated that these lots were platted in the 1880's and are only approximately 25 feet wide. By dissolving the lot lines in the manner the applicant is proposing will allow for the needed space for a single-family dwelling. As the applicant is reducing the lot density in this area, she is making it possible to conform to RLUD setback regulations. Staff recommends that this amended plat be approved. Chairman Martin mentioned the attached letter from Iris M. Emery along with a copy of the Staff Report. There was no testimony from the audience. Commissioner McCown stated a point of clarity of whether or not that the amendment of the plat precludes the applicant coming back and applying for another use. Kim stated it does not. Commissioner McCown moved for a motion to amend the plat and the removal of lot lines between Lots 10, 11 and 12, Block 4 of Cooperton Subdivision, seconded by Commissioner Stowe. Motion carried.

E. CONSIDER THE AMENDMENT OF THE PREHM RANCH SUBDIVISION EXEMPTION PLAT TO ADD A PRIVATE ACCESS EASEMENT AND PROVIDE A PIECE OF PROPERTY FOR GREENBELT/OPEN SPACE TO AN ADJOINING PROPERTY. APPLICANT: MARLIN (COLORADO) LTD.

F. CONSIDERATION OF A JOINT APPLICATION TO AMEND THE WESTBANK RANCH PLANNED DEVELOPMENT, FILING 1, FINAL PLAT TO ELIMINATE A ROAD EASEMENT, CREATE A PRIVATE ACCESS EASEMENT AND ADD AN AREA FOR GREENBELT/OPEN SPACE. APPLICANTS: MARLIN (COLORADO) LTD. AND WESTBANK RANCH HOMEOWNERS ASSOCIATION

G. CONSIDERATION OF THE APPROVAL OF A DRIVEWAY ACCESS PERMIT FOR LOT 22, WESTBANK RANCH PLANNED DEVELOPMENT, FILING NO. 1.

H. CONSIDERATION OF JOINT PETITION TO VACATE PUBLIC RIGHT OF WAYS OR PUBLIC ROADWAYS TRAVERSING THE PRESERVE AT PREHM RANCH AND THE WESTBANK RANCH SUBDIVISION. PETITIONERS; MARLIN (COLORADO) LTD. AND WESTBANK RANCH HOMEOWNERS ASSOCIATION

Chairman Martin stated that there is a log that is being passed around for anyone who wishes to speak to sign so they can be called on in order. Don DeFord has a request that the Board consider whether or not they should conduct this as a combined public hearing, combining item E which the Board has already announced, F which would be a consideration of a joint application to amend the Westbank Ranch Planned Development, G which is not a hearing matter but is a consideration of an access permit at Westbank Ranch Planned Development Filing 1, and H which is consideration of a petition to vacate which is meeting a public meeting matter with notice. Should it be the Board's pleasure to consider these as a unified hearing and take one set of exhibits and one set of testimony and or whether you want to do them separately? Chairman Martin suggested that since they are all tied together, they should be heard as one as decisions on one may affect the other. To keep from duplicating or triplicating the effort here, they should be heard altogether. Don stated that if you conduct a single hearing at the time of decision, I will ask you make a decision on each item separately, which is for evidentiary purposes. Commissioner McCown stated that it should be one hearing to avoid redundancy in testimony. Don asked for a motion to combine the four items above-mentioned into one hearing. Commissioner Stowe moved for a motion to combine the four items into one hearing, seconded by Commissioner McCown. Motion carried.

DeFord stated that there will be three separate items for notification to be established for the record. In regards to the notification for the amendment to the subdivision exemption; to amend the plat at Westbank Ranch Filing No. 1; and these were done in a timely manner. Don stated that in regard to the petition to vacate rights of way, the Board should have copies of that in front of them, with the original with Mildred, in order to establish notification for the Board's consideration of that resolution by state law, we are required to notify property owners adjoining that property who own more than one acre more than ten days prior to today's hearing. Don stated that his office has accomplished that in a number of manners. They have provided publication and he has proof of publication that is timely. He also mailed notification of today's hearing. That mailing was based upon information received from the Garfield County Assessor's Office. They identified all of the property owners adjoining the legal description as identified in the petition received by his office. Those were done in a timely manner and based upon all of the foregoing; he believes the Board is entitled to proceed as to the public meetings and public hearings that are scheduled. There were no challenges to this information.

Chairman Martin swore in those wishing to give testimony.

Chairman Martin asked Mark Bean for the Exhibits. Mark asked if he could combine all of the notices together in terms of public notice, the newspaper notices, and the return receipts as one. That was affirmed. Mark stated the Exhibits: Exhibit A – Two Proofs of Publication for the amended exemption plat as well as the final plat for Westbank; Exhibit B – All of the Return Receipts for all three noticed hearings; Exhibit C – (he lumped then all together) All of the Applications with supplements for the subdivision exemption amended plat application, the amended subdivision plat for Westbank Ranch, the proposed road vacation and the proposed driveway access permit; Exhibit D – Project information and Staff comments that the Planning Office wrote for both the subdivision exemption application and the amendment to that plat, as well as the amended plat for the Westbank Ranch Planned Development Subdivision, Filing No. 3; Exhibit E – Garfield County Subdivision Regulations of 1984 as amended; Exhibit F – Garfield County Zoning Resolution of 1978 as amended. Chairman Martin asked if the applicant had copies of all of the exhibits. Mr. Neiley Chairman Martin entered Exhibits A through F into the record. Chairman Martin stated that they would start first with the staff report in reference to the piece of property for greenbelt open space joined access easement.

Mark stated that he would attempt to combine his staff reports together as the Board has had an opportunity to review those. To the extent that the audience has not heard the comments, which he made to the Board as part of the staff report, he would try to paraphrase those and include them in a combined staff report. The initial application or the first application for consideration is an amendment to an exemption from the definition of subdivision for the Prehm Ranch. The primary purpose of this application was to amend the exemption plat for the Prehm Ranch that was originally approved to split the 191-acre tract into four parcels of approximately three parcels of a little over four acres each, and then a remainder parcel of 178+ acres. Included in the amendment or the request for an amendment was a request to basically remove from the original exemption plat, and he would correct the staff report of what is a total of approximately .214 acres of land that is identified in three different parcels or tracts on the proposed amended exemption plat, that would include all of the land for the greenbelt open space area that was to be transferred to the Homeowners Association or the Westbank Ranch Planned Unit Development Filing No. 1. Additionally, there would be a proposed continuation of the access from the north down through the remainder of the larger parcel to be gain access to the southern most part of the property that would attach to a proposed, within the greenbelt easement, a ten foot wide access easement that is tied to a private access easement that would be on Lot 22 of the Westbank Ranch Final Plat itself. Without belaboring all of the issues here, the access the applicants are proposing would include two privately gated access points, one from the north via

County Road 163 which was the original access that was reviewed as a part of the original Prehm Ranch subdivision exemption request. The new proposed access on the south end would be a proposed access that would go directly to an access point on Oak Lane that is the subject of a proposed access agreement between the Marlin Ltd. and Lynne S. Cantrell of the Westbank Ranch Homeowners Association and the Prehm Ranch Homeowners Association. They would also provide access through Prehm Ranch property on a limited basis. The controlled gates would all be subject to or have what is identified as being a special “click card” or “proximity card” to open the gate with a code number to be used on a key pad at the gate. In other words, they will be restricted. The northern most proposed gate would have no restriction on the number of vehicles that could access the proposed development. The southern access point gate would be limited to a maximum of 27 vehicle trips per day averaged on a bi-monthly basis to use the gate to access or leave the property. In other words, accessing onto the property is one trip, leaving the property would be a second trip. It is not a round-trip count as per the agreement or the proposed agreement that is included here. In terms of issues that are new to the application for the subdivision exemption, part of the review we have asked the Glenwood Springs Fire Department to review the application, is in a part of that review they did express a need for some additional stipulations or conditions to be attached to any approval that might be given to the proposed amendment plat. Basically, the Fire Department is asking that they have the ability to access the property without damaging the gates or any emergency response equipment. In other words, they would either need keys or some codes or something to that affect to be able to access the property in an emergency since this is a privately gated community and would not be available to the public. The standards that they would preclude are expected to be included in any design that would occur within the development itself. The Fire Department has reviewed the previously approved and built fire ponds themselves. Mark did not get a follow-up report, but they have indicated that they were going to go onto the property to try the pumps to determine that the proper flows were coming out of that. He has heard no negative comments from them regarding that particular issue. As a part of the review of the application, staff noted that there are a number of things that would need to be shown on any approved exemption plat. Among them would be maintenance and repair easement from the fire hydrants that are located on the property and attached to the dry well that actually provides the water out of the ponds that were built on that property itself. There would need to be maintenance and repair easement shown along the entire length of the Cristy Ditch that is on the plat. The primary reason being is that this is the supply of water through the ponds themselves. The proposed access from the north entrance to the south entrance of the property would need to be legally shown on the plat and described as a 25-foot wide access easement. The plat would also need to show graphically the 100-year flood plain. The proposed plat does not need to include, as it is shown on the proposed plat, the greenbelt open space areas since this is to be conveyed to the adjoining property owners, in this case the Westbank Ranch Homeowners Association. Additionally, he has noted the other criteria that the Fire Department required in terms of the Uniform Fire Code Issues. He has also suggested and is suggesting that if the plat is approved or the amended plat is approved, that there be a plat note noting the southern gate will be limited to a maximum 27 vehicle trips per day, averaged on a bi-monthly basis, and a violation of this limit could result in the closure of access to the breach of agreement between Marlin (Colorado) Ltd., Lynne S. Cantrell, Westbank Ranch Homeowners Association, Inc. and the Prehm Ranch Homeowners Association, Inc. Prior to any kind of approval of a plat, he would also want the Fire Department to verify that they have received the appropriate codes and/or information necessary to provide access to the property before it is actually locked up and additional structures are put there. Mark stated to the Chairman that he would like to jump into the amended plat. This part of the request, as he noted previously, was to remove a portion of the previously approved plat to be conveyed to the Westbank Ranch Homeowners Association. The Marlin (Colorado) Ltd. and the Westbank Ranch Homeowners Association jointly applied to the County for the amended plat. This proposed is basically three-fold. One is to have the proposed amended plat conform with the vacation of a 60 foot wide, what was identified on the original plat, road easement that traversed Lots 22 and 23 between the public roadway identified as Oak Lane and the property to the west commonly known as the Preserve or the Prehm Ranch property itself. This was also approved by the Board by Resolution 2001-58. The second purpose would be to depict the conveyance of a piece of land from Marlin (Colorado) Ltd. to Westbank Ranch Homeowners Association. This particular piece of property is identified and would be identified as a greenbelt/open space parcel and the driveway easement on the amended plat of Lots 22 and 23, Westbank Ranch Planned Development Filing No. 1. The third purpose would be to depict a private access easement creating a right-of-access between Oak Lane and what is identified as the Preserve at Prehm Ranch and Lot 22 Westbank Ranch Filing No. 1 pursuant to the terms of the access agreement that he mentioned previously that is a proposed access agreement. Staff would note just for the record that the subdivision regulations do allow for the amendment of the subdivision in terms of the process that they are allowed to go through. The proposed amended plat does not increase the number of lots or result in the major relocation of a road. In staff’s opinion, the proposed access easement is not a road as defined as follows: “Street road is an area of land reserved for public use which provides primary vehicular and pedestrian access to adjacent property which shall not be used for the purpose of calculating a minimum lot area of any lot, tract or parcel of land.” The access easement crosses over Lot 22 to provide limited access to the property to the north and to the Prehm Ranch itself. Access will be limited to the property owners of the Prehm Ranch, and as he noted previously, is limited to 27 trips per day subject to counts on the gate itself which is a (he did know previously) very sophisticated gate that has computerized printouts that will be made available to the Westbank Ranch Homeowners Association. The proposed access easement will also provide emergency access to the Prehm Ranch properties and provide an alternate way for the Westbank Ranch property owners to perhaps have emergency access in case of an emergency. The proposed greenbelt/open space parcel is a unique situation for the County. It is, in our review of this, technically not a lot as defined in the Subdivision Regulations. A lot is defined as “a portion of a subdivision intended as a unit of transfer of ownership or for development.” This particular parcel of land is intended to be owned by the Westbank Ranch Homeowners Association and is not intended for any future transfer of ownership to any other entity. Therefore, he does not believe it is technically a new lot in terms of the definition of “lot” itself. It is something that also would be considered to be consistent with the County’s regulations that we

have in Section 2.02.28 which defines greenbelt as “land retained in an open, unimproved condition, except for agriculture or the placing of landscaped materials including trees, shrubs, grasses and structures limited to foot paths, bridges, irrigation structures, erosion protection devices and underground utilities, or improved for park use as defined herein; ownership of such land may be private with an easement or reservation for greenbelt use by deed restriction, or it may be dedicated to the public. Designation of the greenbelt does not imply provision for access by the public. Presently, this property is to be conveyed to the Westbank Ranch Homeowners Association is zoned Agricultural/Residential/Rural Density (A/R/RD). It is unique in the sense that the County has not previously seen this particular type of application presented to us. It is subject to, from staff’s opinion, a need for rezoning of the property itself. Section 5.01.06.1 identifies greenbelt as “land designated as greenbelt through dedication or reservation as such for any reason shall be indicated as such on the appropriate zone district map. Such land shall be maintained in conformance with the Definition section of this Resolution or in conformance with any condition for granting of a Planned Unit Development including designation as a park or other open recreation use; land designated as greenbelt may be leased for operation, transferred to a different ownership or otherwise changed in ownership but it shall not be used for residential, commercial, industrial or any other urban or suburban purposes unless provided for by the County Commissioners following procedures for amendment to this Resolution.” Mark referred back to the last statement there to amend the Garfield County Zoning Resolution or any of the text maps that it does require that the Board go back into Public Hearing or that there be a Public Hearing to actually designate the area as greenbelt/open space. This particular piece of property, if it is to be designated as such, will need to be rezoned and there will need to be the appropriate public hearings to go through that process to actually designate it as greenbelt so that it can be shown on the appropriate zone district map subject to a public hearing. It is not a part of this particular application to make that particular request. Staff is suggesting that any approval of the proposed amended plat be subject to and prior to the signing of that, the rezoning of this property to greenbelt/open space and that this property would be shown on the appropriate zone district map as such. As far as the other applications, Mark briefly summarized and deferred to possibly Mr. Neiley or Mr. DeFord, whoever can help correct him if he states it wrong, the proposed driveway access permit off of Oak Lane is for a proposed access off of Oak Lane through Lot 22 to a point onto then through the just previously mentioned greenbelt/open space area that would also provide access to a roadway or private easement through the Prehm Ranch property. That the property owners within Prehm Ranch would be able to utilize or access in and out of the development on a limited basis. It would have the gate, as he noted previously, that is included in the proposed access agreement or access agreement between the various parties he noted before, and that would be a part of any decision the Board would make. In addition to that, and as a part of the review of all of the issues surrounding this particular variety of applications, is a request to vacate a previously identified public right-of-way. He generically said that the right-of-way goes through portion of the Westbank Ranch Subdivision as well as portions of the Prehm Ranch and, as he understands it, also portions of the Bershenyi property, which is adjacent to and a little bit northwest of the Prehm Ranch property. The action included for the Board’s consideration is the vacation of that particular public right-of-way, which he deferred to someone with better background in that issue to explain exactly how it works. There was no further comment from the Planner Mark Bean. There were no questions for the Planning Department. Rick Neiley – representing Marlin (Colorado) Ltd. stated that Mark Bean did an excellent job in summarizing where they are today in terms of the applications that they have filed, first seeking an amendment of the Prehm Ranch exemption plat to add the southern access. They are in agreement with the requested conditions of approval, which Mr. Bean recited. He stated he will not add a lot to the discussion about the application at this point other than to note with respect to the plat language that Mr. Bean requested regarding the limited access to the southern gate. He would like to have that included as a specific reference to their recorded access easement agreement with Westbank Ranch at the appropriate time. Otherwise, the conditions for recommended approval are acceptable to the applicant and they would proceed with the amendment of the recorded plats in accordance with those recommendations. With respect to the Westbank Ranch plat amendment, he stated that this is a joint application brought by both Marlin (Colorado) and the Westbank Ranch Homeowners Association. Mr. Neiley stated that as Mr. Bean noted, the purpose of this is several fold. First, and most importantly, to add a strip of land along the common boundary between Prehm Ranch and Westbank Ranch which would be deeded by Marlin to the Westbank Ranch Homeowners Association and held, in effect, as a greenbelt/open space barrier between the two properties to ensure that there would be no future crossings of roads, paths, easements, or anything else, except the road easement in the designated area that is for the limited purposes as agreed upon with the Westbank Ranch Homeowners Association. Mr. Neiley presented a few exhibits. The first being an aerial photo of the Prehm Ranch and, at the bottom, showing a common boundary with Westbank Ranch Subdivision showing where Oak Lane comes, the old rail bed, the main access, the area of the exempt lots, and the Roaring Fork River. Chairman Martin entered the aerial photo into the record as Exhibit G. He stated that with respect to the exemption application, they are talking about creating three of approximately four acres each, and a remainder parcel of approximately 179 acres. The pertinent reason is the intention with respect to Prehm Ranch is to divide the remaining 179 acres into 35-acre parcels, which would result in a total development on the 191 acres of 8 residential units. The reason that is important is because when they agreed to the limited terms of access between Oak Lane and Prehm Ranch was specific conditions imposed upon them to which they agreed that there was never be any future subdivision of Prehm Ranch and that it would be limited to eight residential units. He stated that was the original development plan with respect to the property. The property was intended to be an ecologically oriented preservation of the Prehm Ranch with limited development sufficient to justify the cost of the ranch and keeping it in limited development. In order to justify that limited development, they have always believed that a southern access is important to the Ranch because it provides access to golf opportunities, recreational opportunities, and they think it is a beautiful amenity for the Ranch, and also an amenity to the community as a whole. He noted none of the upper areas as seen by Highway 82 (pointed out in the aerial photo) of the Prehm Ranch will be developed. The riverbank will not be developed, except for one of the building sites which they received a special use permit for a small river cabin. There will be limited affects from lighting, noise,

densities, and animals. They think there is a community benefit. They have also incorporated into the Ranch considerable riparian habitat improvement, which had been degraded through erosion and livestock grazing. This was done in conjunction with the Division of Wildlife and the Corps of Army Engineers. Those improvements are in place. Mr. Neiley stated that with respect to their request to amend the exemption application and prior approvals, they did receive an initial approval on November 27, 2000 for the three-lot exemption. They have complied with all of the requirements that were imposed upon them by Garfield County in conjunction with those exemptions, approvals including improvements to County Road 163, the installation of fire protection mechanisms, extension of underground utilities, and similar improvements that were part of the original application. Part of this dispute arises because they did not depict the south access to Prehm Ranch to Oak Lane on their original exemption plat. They are not necessarily in agreement that that was a requirement; however, as part of the resolution of their dispute with the County and the Westbank Ranch Homeowners Association, they agreed to resubmit the application and are agreeing to abide by the recommendations of the Planning Office with respect to approval for the plat amendment. Other than the expansion of easements for fire protection and what not, the only real significant modification of this development proposal is the inclusion of the south access. The south access arose as a consequence of many long and difficult conversations with the Westbank Ranch Homeowners Association and with the County in an effort to arrive at a point of agreement that would provide reasonable assurances to the Homeowners Association that traffic would be limited and controlled and would still serve Marlin's objective of having a desirable access into the Ranch to minimize the necessary development to justify the development costs. The agreement in essence does the following. It results in the conveyance of the strip of land from Marlin (Colorado) to the Westbank Ranch Homeowners Association to act as that buffer against unrestricted access in the future. It allows for a single lane roadway coming in which will be gated and will be fitted with a counting device that will monitor who comes in and out of the south entrance of the Ranch, when they come in and how many trips come in and out. Mr. Neiley stated that as Mr. Bean noted, each trip – one way in, one way out – count as a trip. They are agreement to a maximum of an average of 27 vehicle trips per day, which is far, far below the carrying capacity of the roads in Westbank Ranch. One of the things they feel strongly about that they are giving up is the fact that, when his client purchased this property, there was a platted 60-foot road easement accessing Oak Lane. That was one of the conditions that was important to his client in purchasing the Ranch. That was a platted easement created in 1971 when the first filing of Westbank Ranch was created and it is an easement that was reflected on the plats to this day. He stated that this Board would recall in August of 2001, that a Resolution was approved and adopted by Garfield County vacating the public interest in that roadway. Marlin, of course, took a slightly different view in that it thought it had private rights back to us as well as public rights of access and it was, in fact, entitled to continue the use of that platted roadway. One the things that the amended plat for Westbank Ranch will do, if it is approved by this Board, will remove the depiction of the old roadway, the road easement that was originally shown on the plat of Filing 1 of Westbank Ranch Subdivision. In addition it will add to the Westbank Ranch Subdivision the strip of land, including the access area, and will reference the purposes of the amendment which are to provide for only limited access and control with the Westbank Ranch Homeowners Association as it relates to access into Prehm Ranch. Mr. Neiley stated that they think they have made significant concessions, they feel that Westbank has. This is a settlement of disputed issues and it is very rare that everyone is happy with that sort of arrangement. We have a saying in the legal profession that if everyone comes out of a settlement agreement unhappy, it must be a good agreement. He stated that they are not happy with the position they find themselves in. They have agreed to eliminate all construction traffic into Prehm Ranch. They have agreed that no delivery or service vehicles will come in. They have agreed to very costly and extensive mechanisms to control access and for monitoring of that access by Westbank Ranch Homeowners Association. It is not what they came into the property envisioning, but it is something that they are willing to accept so that they can have peace and good neighborly relationship with the people of the Westbank Ranch Homeowners Association and with Garfield County.

Chairman Martin entered the next presentation from Mr. Neiley into the record as Exhibit H. Mr. Neiley presented a drawing that was prepared as part of these applications and as part of the settlement agreement with Westbank that shows Oak Lane, the single access and the greenbelt common area parcel that will be conveyed to Westbank Ranch. He showed where a gate and counting system would be located. He stated that these were part of the documentation that was used to settle the litigations as part of the documentation that is included in the applications to Garfield County and, assuming that they get through this process with approval, it is what they will do. There will be fencing. There will be a gate. The gate will be closed at all times. There will be a counter on that gate. The information will be recorded to Westbank Ranch Homeowners Association on a monthly basis, and the Homeowners, in essence, will have a clear ability not only to monitor what goes on there, but under the terms of their agreement, to enforce the limited access, the limited private access that they talked about. One of the conditions of their recommendation for approval for the exemption is that they agree to provide the Fire Department with access codes. They are happy to do that without limitation.

Mr. Neiley also stated that the two other applications that come before the Board are driveways permit application. That one is certainly subordinate to the plat amendments, but it is something that Garfield County required of them. They went out on the site and met with representatives of the Road & Bridge Department who agreed to the necessary conditions for the development of the access road, or some redevelopment in terms of ditches, location of fences and distances from the public right-of-way, paving and that sort of thing. They are in agreement with the Road & Bridge Department as to all of the requirements that are necessary to meet the County's access code regulations.

Mr. Neiley addressed the final application that comes before the Board as also a joint application with the Westbank Ranch Homeowners Association, based upon information that was dug up by Mr. DeFord, he thinks, during the course of evaluating the various claims and issues that were being discussed in the context of the litigation. He presented a drawing, which Chairman Martin entered into the record as Exhibit I, prepared by the County Surveyor Sam Phelps. It depicts the alignment of what may be public roadways created back in 1902 by a series of deeds between McMillan (who used to own Prehm Ranch),

the Hardwicks (the previous owners of Westbank Ranch) and others. He stated that the wavering lines in the drawing resulted because Mr. Phelps, despite his professional expertise, had some difficulty in locating the position of these deeded roadways based upon the documents of record. There is a gap in the middle of Prehm Ranch where there was no deed, and the reason there was no deed is at the time that those deeds were created, this was still government property. He pointed out in the drawing where Oak Lane was located. He explained that there are three alignments through Westbank Ranch. Again, Mr. Phelps is not 100% sure where those descriptions place the roadway. He showed on the drawing, the extension of the roadway through Westbank Ranch. He stated that it goes through some of the homes. He stated that when they began to look at what was necessary to clean up the issues surrounding access from Oak Lane into Prehm Ranch, one of the things that occurred was that they see pity on behalf of the Homeowners Association, who was adamant about getting rid of the old deeded right-of-ways, such as they might be. They are unclear as to the status of them, and there some other descriptions in their application of possible ways in which Garfield County might have acquired rights-of-way through these properties. One of them does come out on Oak Lane. Maybe that is the correct one, we do not really know. They did not have independent surveyors evaluate these descriptions in an effort to determine exactly what the alignment was. They do know that it is possible that there are three separate locations, and that for the most part everyone seems to agree that there are no longer any public purposes for these old deeded roadways; that they do not go all the way through Prehm Ranch and, again, back in August of last year, this Board determined that there was not a public need to have a public roadway through Prehm Ranch to connect to Oak Lane and the Westbank Ranch Subdivision. That was the extension of their presentation, other than he would like to reserve some time to respond to any public comment of which he anticipates there will be a fair amount. Don DeFord asked that before going to the public for their comments, he noted that Mr. Phelps the County Surveyor was present if there were any questions on his work and representatives from the County Road & Bridge Department are also present if there are questions about the conditions attached to the access permit application.

Steve Beattie, representing the Homeowners Association of Westbank acting by and through its Board of Directors. He added that he does not represent a number of the people that live at Westbank who are here today. He stated that it makes for a very difficult situation for the Board, for those people, for him. He stated that they would rather not be in this position, but having said that, he also stated that Westbank is indeed co-applicant in two of the petitions, and it is Westbank's position, acting through its Board and the majority of its membership, that these applications are in fact in the public interest. He will be addressing two additional exhibits that he passed out to the Board. Commissioner Martin entered into the record Exhibits J and K. Mr. Beattie explained Exhibit J as a one page typewritten sheet dated December 17, 2001 reflecting the proceedings of a special meeting of the homeowners of Westbank Ranch Homeowners Association on that date. He explained Exhibit K as a true copy of the Stipulation for Settlement filed in Garfield County District Court, Case Nos. 01CV207 and 208, which are the consolidated cases in which the Board of County Commissioners filed litigation against Marlin, Alpine Bank and Lynne Cantrell, and Westbank also filed litigation against Marlin and Ms. Cantrell. The Stipulation of Settlement includes as an attachment an access easement agreement of some 13 pages, which is the document that has been mentioned previously, which would be executed and recorded. It also includes the exhibits to that document, one of which is exactly the same as the earlier exhibit showing the driveway area that Mr. Neiley utilized. With that preliminary, Mr. Beattie stated that Mr. Bean and Mr. Neiley have done an excellent job in describing what these applications would do. He thinks it is important in an application of this kind to address why we are here and why we filed them. As prior records will establish, this Board of County Commissioners denied a prior driveway access permit in January of last year, granted the petition of Westbank to vacate the roadway easement shown on the Westbank Filing 1 plat and, in fact, it commenced litigation in September of last year when, despite those actions, Marlin went ahead and constructed an access through Lot 22 pursuant to an easement agreement reached with Lynne Cantrell who is the owner of Lot 22 in Westbank. The litigation, as litigation does from time to time, because very complex and very time consuming. He looked at his records today and determined that in the three months of October, November and December, plus the last few days of September, there were 70 different pleadings, 70 pleadings filed over a three month span of time. There were multiple Court conferences. There were motions, orders, that this case, these consolidated cases did not even get to the point of the filing of answer and counterclaims which Marlin, through Mr. Neiley, indicated would indeed be filed, would indeed be serious counterclaims and defenses in this action. He has no doubt that Mr. Neiley is a competent attorney and his client is a dedicated party and that those actions would happen, in fact will happen, if this action is not resolved. Many of the parties in this room were present at a settlement conference in Judge Craven's chambers in December. After some hours of conversation some concept of settlement were developed, certainly no agreements were reached at that time, and following that settlement conference, pursuant to a notice which had been issued, Westbank had a special homeowners meeting. After a discussion of the pros and cons of continued litigation, the nature of what was being sought, he thought a full and fair discussion of which each person that wanted to talk had an opportunity to talk, the Westbank Homeowners voted on the proposition, the essence of which was to direct the Board to explore and negotiate for a settlement of the pending lawsuit between Westbank and Marlin and Cantrell if feasible under terms and conditions regarded by the Board as fair, reasonable and appropriate. The terms and conditions of settlement were discussed at the meeting. Those same terms and conditions were fleshed out, discussed, argued, and finally found their way into the access easement agreement and stipulation of settlement, which is the next exhibit you see there. It took about a month longer to get that done, or six weeks. Therefore, we are at the point where we are today. It should be very clear to Board, and that they are probably aware of this anyway, that we are faced with kind of a package deal, if you will. There would be no basis to amend the Prehm Ranch plat to show the greenbelt/open space area without approving the Westbank plat amendments or vice versa. They are common issues. The driveway access permit is for this exact same driveway that goes through the area that you see, and, yes, Westbank does believe that it is important to vacate any county roadways that may exist across Prehm Ranch or Westbank Ranch other than the four county roads that are the existing roads within Westbank, the named streets. The Board should be

aware that there are not one but four such potentially claimable accesses. There are the three deeds that Mr. Neiley referred to. There is an 1880's road viewer's report. There is the old Midland Railroad right-of-way, which Mr. DeFord has represented the County became heir to at some point in time. There is Mr. Rosenberg's plat of 1902. Now, in their interviews of "old timers," not in anybody's recollections has there ever been public access through Prehm Ranch into Westbank Ranch in anyone's memory. Those public roadways, the technical rights if you will, were created at or before the turn of the last century. It is Westbank's strong view that they have no continuing legal import, but as we all know, people can take positions based upon pieces of paper and we want to avoid that possibility happening. It is very important that that be done as a part of things. So, he thought the question is why should the Board approve this or why should they disapprove this is the question that you would be left with entering into, what are the reasons. He stated the primary reason to vote against it, of course, that it adds 27 trips a day that didn't existed there, and that isn't what was intended by the Westbank people in the first place, and that is something that you would want to consider. But the other side of that coin that Westbank's Board finds more persuasive is that the cost expense and risk of litigation is grave. In the Buick case decided recently coming out of Eagle County in excess of \$250,000 in homeowners' legal fees were paid in that case, the case took in excess of three years, the homeowners won their case but they haven't recovered their attorney fees. In this case, the homeowners and the County for that matter may lose their case. Mr. Neiley may be correct that Marlin Ltd. has rights of access that have not been recognized if this case goes forward. The risks can be eliminated; the time spent of all people here can be eliminated by a settlement which is as constricted as we could possibly make it. It is probably not politically correct at this point in time, but one could almost say that but for this access issue, one might be in a position of thanking Marlin for the decision that they made in terms of development. They have the power to come in with a substantial denser development they chose to develop with a very private access, 8 lots on 190 acres, and a commitment contractually recorded, now that this will remain that way for all time. In this busy developed area of ours there is something to be said for something, which is sort of privately created open space, even if not really available to the public. The other benefit obviously is the vacating of so-called public rights. He does not think the County is giving anything away, but they are giving away arguing about it down the road if anybody raises it. Westbank also would be paid a settlement payment, which will help to replenish its coffers for monies, which have been paid thus far. The Board of Westbank believes that the settlement, while certainly not perfect, is as good as we can get. They think it is a good settlement, and the Board urges the Commissioners' favorable consideration.

Chairman Martin opened the meeting to public comment.

Chairman Martin again swore in the audience.

Sterling Page - 0235 Oak Lane. He voiced his opinion as related to the purchase of his property in the cul-de-sac as a safe place to raise his children. He said it is their belief that many of the issues that are brought up here today have been coerced and coached to help people arrive at a decision favorable for whoever is arguing the point, and that is everyone's right to argue their point. Our point being that we do not believe this road should be in here. It is our belief that the County has the obligation to have covenants, the subdivision has covenants. The County enforces and agrees with those covenants and should enforce those covenants that by not allowing others to penetrate our subdivision and have access here when it is denied and told that they cannot, they just go ahead and do it anyway. The 1902 road, in the meeting that we had in December as a Homeowners Association meeting, was given the implication that if they didn't agree to this, that this road could possibly go through all the way and we would have the middle of the extension run through our property or through the Westbank Subdivision. I am sure there are others here who have more information on this, but this was never the case planned by the County or the State Highway Department. This agreement before the Board today has no limitations as to what penalties may come out of this. It is just open-ended that we will have to fight for it later. My question is whether this is a road easement or is it a driveway. All through this whole litigation process, or this agreement process, has been given the use, the word road easement driveway permit. Richard Hess - Fairway Lane, Westbank. If the road is illegal, I would like to see it closed. Dan DeRoe - 0708 Westbank Road. Under the provisions of Section 8.60B and Section 1.21 of the Garfield County Subdivision Regulations, the Board of County Commissioners is charged with the protecting the health, safety and welfare of the inhabitants of Garfield County in any process involving the division of land in insure the compatibility of that division within the surrounding area. Marlin Ltd. and Prehm Ranch violated County rules and regulations when they built this road in September last year. This road is not a driveway. It is a road that connects two county roads together and, in essence, creating a thoroughfare. Suzie DeRoe - I believe this settlement agreement before you legitimizes an illegally built road. It condones breaking the law. It benefits only one person and that is Marlin and it harms everybody else. I believe that if the settlement agreement gets approved, it's a slap in the face to the law, to our legal system, to all of the citizens in the Roaring Fork Valley and Garfield County because it sets a precedence that if you don't like the law, just do what you want to do anyway. I hope that the County will not allow Marlin to hold this 1902-deeded access like a gun to our heads until we cave in to his demands. The deeded access has been abandoned since the 1950's, and I believe that it should be investigated, why and who did not formally vacate it instead of letting Westbank take this and harm all of the families who live in Westbank. Michael Hiller - I would like to know if you could give me a legitimate answer what makes Marlin and their actions above the law. Why do they not have to abide by the law that I have to? We are the same people. We all live in the U.S.

Simone Hiller - I am here for the same reasons as other people because that I believe what's happening to Westbank is wrong. Mike Silvia -131 Fairway Lane. I think it's good that we've got emergency access for the vehicles and that we need that and it will help also Westbank Ranch in case of an emergency by getting that equipment in there if necessary. One last thing to keep in mind if we proceed with a lawsuit and this is following the settlement conference that we had with Judge Craven, to quote him "there will be only one winner and one loser." John Haines - Passed. Ralph Jones - I would like to express first that I fully share all of the comments just expressed by the speaker before me so I will be very brief. I would like to underscore the fact that obviously this is not a perfect agreement. I am unhappy with it, but I am unhappy for the reasons that have been put forth both by the opponents of the agreement and by my colleagues and friends

on the Westbank Board, but, I think clearly that I represent the majority of the Westbank opinion. The matter, in my view, was clearly an error, the pros and cons by both sides at the December 17 meeting when the Board was directed to seek a settlement, and as I see the settlement they reached, it seems to be fully in accord with the possible settlement that was outlined to the members of that meeting. I urge the County to approve this.

Mark Gould - First, I have always been on the record as if I didn't want access off the end of the cul-de-sac, but I did get to go to the settlement hearing and hear everything that went on. Essentially, if, in fact, they can open the road from Four Mile to Oak Lane, which the general attorney's opinion has been that that's the case between all of the attorneys, then I was willing to say let's go for the settlement. So, based on that deal that we can have access through there from Four Mile, which there is no one in this room that wants access, including any of the Commissioners, they are all convinced that we don't want access with cars from Oak Lane to Four Mile. So, having said that, I would like you to consider having this approved. My last point is we've been talking a little about this 1902-deeded access. It is 1902 fee simple ownership. So, what we got is we have three guys up there that own land now that we didn't know we owned. So, if we do truly own the land, let's not give it back. Let's consider the fact that we could put it to use for a trail; we've got trails going on and we could have a trail. Right now, we have a trail through Rose. We have a trail through Aspen Glen. We have a trail through Coryell. And, right now, we could use a trail that would connect Glenwood to Carbondale and I would say if we owned the land, and I guess that's what we're being told. Prehm Ranch doesn't own all of the land. The County owns it. So, let's put it to use and let's have a trail that connects us because they have access through a claim so there should be a pried-quo-quo and we should be able to have access, not pedestrian access and bike access, but if we own the land, we should vacate it down to a 20 foot easement, a ten foot easement, but if you own it, let's put it to the public's use and thank you.

Dave Leety – Commented on no longer having the traffic from the golf course; now we're going to replace it with the Prehm Ranch traffic. I don't understand that argument. If we don't agree to Prehm Ranch, all their stipulations, the possibility of unlimited access, this is all quote, between Prehm Ranch and Oak Lane, including construction vehicles, the possibility of a public road being established between Glenwood Springs Airport and Westbank, if this suit isn't settled, Garfield County may well pursue the public road. The developers of Prehm Ranch have stated that if a public road is established, they will change their development plan to increase its density to justify development along a public roadway. Eric Martin - 30-year resident of Glenwood Springs and established there was no relation to Chairman Martin. He said he was overwhelmed by the events that have taken place as a result of the aggressive and hostile actions of the Prehm Ranch owners. These actions have stirred our emotions deeply and caused deleterious effects to us collectively, individually and financially. I hope the Commissioners of Garfield County will consider the issues over the costs incurred and potentially additional cost that might unless this is settled. Asked the Board to look at all these factors in its entirety when making a decision. Also, the planned construction of a bridge across the Roaring Fork River on the south end of the airport will eventually provide vehicle access directly into the Prehm Ranch from Highway 82. I believe it is unnecessary to open up a second access point that has so many negative effects on existing Westbank homeowners. Warren Wright - Passed. Tim Hang - I'm involved with Marlin (Colorado), and I have been in the fishing outfitting business in this valley for over 20 years. The reasons I became involved in this project are many, but the main ones are related to the fishing and wildlife. This owner has taken a 200-acre parcel of land and maximized the preservation of the environment by only subdividing it into eight parcels, as well as working with the Division of Wildlife and the Army Corps of Engineers to enhance the fishing opportunities along this stretch of the Roaring Fork River. Tim Whitsitt – Attorney representing Ray and Judy Niro. They are contract purchasers of Lot 7 on the Prehm Ranch, and I can certainly understand all of the comments that have been made by the Westbank folks. These road issues are difficult, difficult to deal with. That is an issue that is, in fact a contract issue. They will not purchase without the access. Obviously, my clients would have liked unlimited access like everybody likes to their own homes. Right now, it looks like they a one time in and out every day on that road, which is pretty minimal. I would encourage the Commissioners to adopt the settlement agreement before you today. John Haines - Marlin has defied everything the County's told them to do and they can't do. They've just kind of done at their own free will whatever it wanted to do, but rules are rules. You guys need to stand up and do what you are supposed to do. Warren Wright - I had the primary responsibility of being a Board member of negotiating the settlement along with Steve Beattie. I think it's, considering the options that we had in going into long-term litigation or trying to work out a settlement, I think it's a reasonable settlement for the County, for Cantrell, for the Prehm Ranch and for ourselves, and I certainly support it, and I hope the County Commissioners can also. Mark Podbevsek - I think some of the statements made today are half-truths, some of those are full truths. I can't believe somebody would buy a house with no yard to say my kids are going to play in the street. The County does not provide anybody for a yard. The Board has put a lot time in on this, and I just feel that this is one of the best agreements we could come up with. We accept it or we deny it. If we accept, let's live with it. If we deny it, dig into the pocketbooks because that's what it's going to take. I thank you for your time. Hayden Phillips – I would like to know if there are provisions for the rest of the ranch to go into like a wildlife trust so that it will never be developed.

Commissioner McCown stated not as proposed, no I don't believe so.

Mr. Neiley stated there is a fair amount of a difference of opinion and a fair amount of emotion with respect to these issues. We did every single one of those things; every one of those things was inspected and approved by Garfield County. We came in and asked to do improvements across Lot 23 owned by the Pages and Garfield County turned it down. In response, we negotiated at our expense a private access agreement along a previously platted road easement. We did not believe that we needed anyone's permission to negotiate that private easement. We don't believe that to this day. We also know that there are instances where Garfield County requires access permits and many, many instances where Garfield County does not require access permits. We believe this was an instance where it was not a requirement for us to have an access permit to develop our private easement. We have not flaunted the rules of Garfield County. We have asserted what we believed to be our legal rights. Legal rights go in both directions. In

1970, when Westbank Ranch received for approval for Filing 1, the Planning & Zoning Commission of Garfield County exacted the road easement. There is only one place that road easement goes – its Prehm Ranch. When we bought the property that road easement was in place and we expected to be able to use just as any other citizen and any other taxpayer would have the right to access the public road system. We didn't ask for this fight. We went to the Homeowners Association a year ago to try to work out an acceptable access arrangement. We were rebuffed; we were rebuffed unequivocally. We don't want you here; we don't want you next door; these are our roads; you can't use them. I think it is important to bear in mind that when Westbank was conceived and constructed, there was a public golf course there. Now, there is a certain amount of validity to saying we go rid of the heaviest traffic from that, why would we want more. No one wants more traffic. We have attempted to craft this agreement in a way that minimizes traffic, and I can tell you, although the implication is that we all go driving in and out of there at 80 miles an hour threatening the life of children, that is not the case. There has been very, very limited access into Prehm Ranch. I go in and out as part of my responsibilities to client that I represent. I have been passed on several occasions on the Westbank roads by people pulling out of driveways. There is a problem with people speeding in there. We don't intend to aggravate it, and I suggest that the neighborhood probably does need to do some policing. We certainly expect to abide by the terms of our agreement with the Westbank Ranch Homeowners Association and I adamantly reject the contention that there is no ability to enforce or no penalties for us if we violate the agreement. The intention of Marlin is to mend fences. We will have a gate and fence, but we want to be good neighbors and it is the intention to be good neighbors. It is the people like Ray and Judy Niro who hope to make Prehm Ranch their home that will be the neighbors of Westbank Ranch and they will be people very much like the Westbank Ranch Homeowners Association. We do have provisions for preserving the balance of the Ranch and perpetuity is open, environmentally protected spaces. As soon as we resolve these final issues with respect to our platting, we will be imposing a conservation easement on the entire east side of the river, along the Carter Jackson property, as a result of conversations I have had. We call it the "Eagle Preserve." There are numerous large cottonwood trees there in which, at any one time during the winter, you can see three or four or five eagles. We have also already places covenants restricting developing of the upper meadows, the upper hillside, and anything outside of defined building envelopes, which are depicted on a plat, which we intend to, identify as the "master plat of the Preserve at Prehm Ranch." We, indeed, intend to fulfill our commitments. We, indeed, intend to make sure that this is a property that is protected into the future and, we have expressly agreed with Westbank Ranch that that will be the case. There will not be more development. We think we add to the quality of life in the neighborhood. This is a piece of property that was zoned for 95 units on 190 acres. We are going with eight units. We think that is a substantial benefit to everyone involved. The nature of settlements is that they cut risks. We all have risks. My client believed that he had legal rights that are being compromised with this proposal. The Westbank Ranch Homeowners believe they have legal rights. This is a balancing of those rights. It's a balancing of those interests. It's an agreement that does allow an adjoining property owner to access the public road, but those are public roads that they pay for and that everyone else in this county has a right to use. We are not asking for special treatment, but we are asking for equal treatment. We cannot create a trail through Prehm Ranch open to the public and still preserve the values that are necessary to reduce the development to what we have perceived it to be. With all due respect, there is not currently a deeded piece of property that Garfield County owns going all the way through the Ranch. There is a substantial gap that is depicted on Mr. Phelps' survey. We don't know exactly where that roadway is, even if it was deeded and even if it hasn't been abandoned. I hear mixed reviews as to whether or not public access through that would be desirable from the Westbank side of the fence. We know that we can't make our project work with that kind of an exaction. We also know that one of the reasons that we didn't go for higher density and didn't attempt to maximize development on the ranch is because exactly that sort of exaction goes along with a subdivision application, and that kind of exaction does not go along with a subdivision exemption application. It has taken a lot of work to come to the point that we have reached. In December, when we entered into our settlement agreement and negotiated the access easement agreement, agreed to precede with these land use applications. It was on the assumption that these would be viewed objectively under the terms of the County's Regulations and Ordinances, and that we would be given a fair hearing. I am absolutely confident that we will get a fair hearing. I feel that it takes courage on everyone's part to achieve a settlement that no one really likes. The Westbank Ranch Homeowners Association to their Board of Directors, I think, has shown courage in accepting that there are risks to not resolving this dispute and risks that go far beyond having to lay money for legal fees. Those risks are the possibility of unlimited public access through their subdivision. That is something that no one wants. We certainly don't want that. And, that's something that this settlement importantly achieves. If no one's happy, I guess we've done our job. I urge you to grant the approvals that we requested in our applications. Grant them as a group with whatever approval is necessary to achieve. But, we have worked long and hard to accomplish through this settlement. Commissioner McCown - There were several allegations from members of the audience testifying that Mr. Neiley and his Marlin Ltd. group brought up the fact of this old right-of-way, this 1902 easement that, in fact, goes across Prehm Ranch and part of Westbank. Unless, he stands corrected, he thought it originated from the County. He believed that information was brought to light by the Chairman of this Board, and it may be irrelevant to who brought it to light, but just to clear things up, it wasn't originated from the Marlin folks. It was originated from this Board when we were doing some research. He believes John found it; he didn't want to speak for him. He can clear it up on how he found it and why he found it, but just to clear the air on where that information originated. Whether it's relevant or not, he thought it did come from the County rather than the Marlin group.

Chairman Martin stated this was very true. He stands guilty as accused. He stated that it came from a conversation with an employee, not an employee, but a citizen who has lived here all their life. That citizen married someone who was born in Sunlight, the Town of Sunlight. And that person drove a team and wagon for many years from Sunlight to Carbondale, and they followed the road that was purchased and built along the west side of the road. And it was a completed road. It was accepted in 1902. What's that? Someone asked what side of the river. Chairman Martin stated it is on the west side. Did I say east?

Someone said, “You said road.” Chairman Martin stated it is a road. Someone said, “on the west side of the road.” Chairman Martin corrected by saying on the west side of the river. He stands corrected. But that person did a road to market. He delivered coal and returned with either hay or potatoes. That road was used for many, many years. Chairman Martin talked to Ed Prehm so sold the ranch to Marlin. His dad knew that that was a County road, and the only reason that a gate showed up because he had a dispute with the neighbor at the end because the cows kept going back and forth and getting into each other’s field. It was an understanding that that was a public road and it should be opened and closed, the gate opened and closed to respect farming, livestock. And that’s why the gate was there. And then when Ed finally took over, he just left it locked and nobody used it. That’s because Highway 82 was improved and it happened to be more of an access, an easier access, on the east side of the river. So, it was always a County road. In fact, we have receipts that show that the County bought barbed wire to keep it open on both sides so the cows wouldn’t get in the middle of the road. So, it is a road, it’s always been a road. And what he finds interesting is that no one in the land title company either found it or wanted to find it simply because now there are clouds on everybody’s title in Westbank, and now Prehm Ranch. And, he thinks that maybe if he was affected, he might be looking into his title insurance and seeing why that wasn’t discovered. So, there are quite a few things, and he also had some other issues. That is the stretching of definitions in Garfield County’s subdivision and PUD regulations, and one of them is the green belt. In your staff report, Mark, you mentioned that the greenbelt is for a very specific reason, and that’s why we put it in there because we’ve had this issue before. That there is no provision for improvement for roads. It is only for structures limited to footpaths, bridges and irrigation structures. Nowhere does it say anything about an access, or a limited access, or private access. If it’s a greenbelt, it’s a greenbelt. It’s something that needs to be preserved. He just thought that it is stretched too far by allowing a lot to be created, call it a green space and then make provisions of exceptions of the definition to allow limited access. Its either a road or it’s a green space. There are several other things that he had in reference to the void the Mr. Neiley talks about in Lot 29. There was an adjustment in the BLM survey. That may be where the problem is in Lot 29 because there was an adjustment in that particular section of BLM surveys because a mistake had been made. And, if you look at the 1902 map, it is a consistent road all the way from Cardiff all the way to 109 and that was drawn. That is a depiction, its true, and there may be a break because of an adjustment in survey. We will never know. But, if there is a break in there, there is no public road between the two of them and there is no public access between the two of them and it should be a moot point that there cannot be a limited access unless we create it, and we haven’t created that. As far as amending and modifying the plat for Westbank, Westbank needs to be going through a different type of process in doing what they are now. Under 10.104 and also 4.12.03.02 “no modifications, removal and releases of provisions of the plan at the County shall be permitted, except upon the finding by the County that the modification, removal, release is consistent with the affected development and preservation of the entire PUD does not affect in a substantial adverse manner, either the enjoyment of the land abutting upon or across the street from the PUD or a public interest and is not granted solely to confer a special benefit upon any person.” Is that what we’re doing? That’s a question that we have to ask ourselves. Are we creating a special interest for one subdivision or one person? I’ll let somebody else speak because I’m getting dry.

Commissioner Stowe asked a question to Mr. Neiley. In the agreement, the amendment to the exemption definition of a subdivision for Prehm Ranch, one of the conditions, Item 4, with the 27 vehicles per day, that a violation of this limit could result in a closure of the access. He understands that “could” is a fairly ambiguous term. We could possibly substitute “will” in there. The other thing he guesses, is one of the things that was brought out by the members of Westbank was what sort of consequences are there if, in fact, you do go over 27. Somebody mentioned they thought the gate automatically shut down. Is that true or not? Is that true or not that the gate would shut down, or what are the consequences if you exceed the 27 per day average over a two month period? Mr. Neiley responded by saying that the consequences are that if we exceed that, the Westbank Ranch Homeowners Association has an immediate right to injunctive relief and a right to recover damages and attorneys fees, and they will be receiving monthly reports and we will be monitoring those monthly reports to make sure that that consequence doesn’t happen because that would be very costly to us. It would hardly be worth it for 28 vehicle trips as opposed to 27. Commissioner Stowe said their concern is they are going to be right back in the middle of a legal battle. How can we assure them that, I mean, basically, could there be language crafted, would you be willing to craft something in that statement that would say that the gate would be automatically chained or shut down until that could be resolved, or, I’m looking for answers here. I’m not making suggestions. I’m looking for some assurance to the Westbank homeowners that they’re not going to be spending \$100,000 two years from now fighting Marlin or the heirs to this development.

Mr. Neiley responded that he understood the concerns of the Commissioners. We negotiated those extensively when we were working out the terms of the agreement. One of the concerns we have is that of tampering and vandalism. We have suffered it repeatedly since this dispute arose, and these types of equipment are not impervious to someone triggering the opening mechanism or the counting mechanisms and we do not want to find ourselves in a position where we have to potentially be subjected to a loss of the access because of allegations that we have violated the terms of the agreement. We feel that we are giving up important rights of unlimited access as a consequence of this settlement and, while we are willing to abide by the limitations and subject ourselves to the punishments of the Courts, we are not willing to subject ourselves to the vagary of potential vigilante action which could result in an appearance of a violation when no violation has actually occurred. We certainly expect to fulfill our end of the bargain and it would be costly for us not to. We think the mechanisms for enforcement are significant and we are not presently of a mind to change those mechanisms or expand those mechanisms in the context forever waiving any claims we have to be able to demonstrate that we have an unlimited right of access under present circumstances, and that’s why we ended up where we did on that. Commissioner Stowe stated he appreciated his answers. It was not the one he wanted, but he appreciated his answer.

Chairman Martin stated in fairness, and he really wanted to thank you for vision of preserving that, but he also have to protect your rights as well. When you came forward and asked for the exemption, you requested to create four lots out of 191 acres. We granted that with a sole access on the north. However,

by our own definition, you were allowed to go ahead and create five more lots, or the 35-acre lots that you created, and through that, you are able to create eight total lots. But, within there, you are also allowed to create accessory dwelling with each one of those lots. So, to preserve your rights, you would have the ability to create 16 different living dwellings within there. If I denied you that, then I would be denying you your rights under our provisions and what have you, so the capacity is not eight homes, but with accessory dwelling units, a total of 16. Am I correct, Mr. Bean? Mark stated that subject to special use, sure.

Chairman Martin stated also that the question came up, what would the County be losing if we vacated the right-of-way? And, so, you know, I looked at that, and I said why I want to keep a deeded right-of-way owned by the citizens of Garfield County, not just the Board members here, but all of the citizens of Garfield County that was deeded to them for their use and benefit to the public. And, I said, how much would it cost me to find that type of a roadway, 60 foot wide, on the west side of the river, how much would that cost me in dollars for two miles so that I could connect if I wanted to, Four Mile to Highway 82? Well, I can tell you that it's in the multi-millions, anywhere from \$20 to \$50 million dollars. I looked at the estimate of the City of Glenwood Springs trying to relocate Highway 82 outside of their downtown area, etc. and using that. So, is that right that I should vacate that and lose that much money for the citizens of Garfield County or should I come up with something else by retaining that ownership of that for the citizens and then maybe limit its access or maybe limit its size or something else and allow that decision to be made into the future. So, I am still struggling with that, and I haven't heard a real good argument why I should give that much money or the potential of that much money for the citizens of Garfield County. So, I need to hear some more argument.

Mr. Neiley responded that he thinks there is a variety of good arguments. The first one as it relates to Prehm is that there is a gap, and the reason that it couldn't have been subjected to the deeding when the other deeds were created is because the United States' Government owned Lot 29 at the time. The deeds do not connect up and all we have on it is the County surveyor, but I think it's probably accurate, so first as to Prehm Ranch, it does not come in from the south side of Prehm Ranch. It traverses upper highway, upper hillside rather of Prehm Ranch, probably not where the existing rail bed is, and it comes off of Prehm Ranch before County Road 163 where the Bershenyi Ranch is and goes across a very steep hillside up there. I question whether or not it's practically developable, but at least in terms of impact, there is a portion of it that goes through Prehm Ranch. There are significant and greater portions that go through other properties and go through improvements on other properties and would cause monumental disruption to the uses of the other properties if the County attempted to utilize that right-of-way in this day and age. The other reason is that, back in the summer of 2001, this Board made a determination that the 60 foot road right-of-way, as it was depicted connecting Westbank to Prehm Ranch, was no longer needed and that there was no continuing public purpose to that, and taking contrary position at this point, particularly where one that end it doesn't even enter into Prehm Ranch, I think with the reversal of this Board's prior decisions, and this Board's prior decisions which were based primarily upon, exclusively upon, I think, the wishes of the members of the Westbank Ranch Subdivision. Of course, the final aspect of it is we can all take off the gloves again and go fight about the existence of that right-of-way, the location of it, whether it was abandoned, whether or not it was subsumed by the subsequent construction of Highway 82, whether or not there are any continuing rights there, or whether or not perhaps there was a resolution at some point in time that we haven't found yet which said we are abandoning that roadway. That certainly isn't where we want to go with it. I can assure you that there are title companies out there that are looking at the issue. I mean, we may get an answer from them. We may find out that they know something we don't know about the history of those old deeding. Those are really, I guess, my three responses to that. Chairman Martin - The Midland Railroad right-of-way wasn't even in place when this road was constructed. In fact, in 1902 while it was running, the Midland Railroad was still constructing and what have you, and the Midland Railroad didn't abandon their right-of-way until 1914, whether you re-deed it back to Garfield County and then even the Cardiff Yard was deeded in 1930's to Garfield County, so the road existed parallel with, somewhere, with that Midland Railroad somewhere in that area. And, we may be looking at two different right-of-ways or two different ledges that you are talking about, but it was clearly deeded, and then both the Railroad deeded back to the County. So, they may have two right-of-ways through there, and that is again the cloud on the titles that we have and we need to find out why we have those clouds. To vacate it right now, you know it's still a difficult issue. And also, if we wanted to put that through there and we owned it, etc., and Lot 29 was an issue, there are legal ways of also condemning and using that particular right-of-way if we chose to do that, which we really don't. We don't want to move ten houses. But, if I was a golf course and I was putting in about eight to ten million dollars of golf course, I think I might be want to know where that road was.

Mr. Neiley responded that if we were a high-intensity developer and we wanted a right-of-way through there and wanted to put 95 free market units and another 95 ADU's on there, we might want to know where it goes too. You know, on one hand, Commissioner you applaud us for the effort to preserve the Ranch and on the other you suggest that perhaps a condemnation is a solution to the road issue.

Chairman Martin corrected that there is only a possibility of that. But, to what he is basing everything on is, did we really have the complete story on the properties, both Prehm Ranch, Garfield County, Westbank, did everybody have all of the information. I don't think we did. We based our decision on the information that was presented. And, because of a story, talking to a citizen that lived here caused a cloud to develop and we should have had research to show us. And, when I ask you did you have any more information, if you knew, that was the door to say "yes, I do." But, if you didn't, you know, obviously that cloud was in your horizon as well.

Mr. Neiley responded that if you are referring to the discussions that occurred in July and August of 2001 when this Board was considering the vacation of the platted easement, we certainly did not have that knowledge. And, I think you are aware you raised it probably as a result of some conversations. To the extent that the potential existence of those deeded rights-of-way creates clouds on title, they create clouds not just on the Prehm Ranch, but on Bershenyi Ranch. They create clouds throughout Westbank and, unless this Board has a specific intention to create a roadway and to, in our view, condemn the section that

hasn't been deeded through Prehm Ranch, then I think it is in the public's best interest to eliminate those clouds on title and to clear up title for the many good people in this room, for the owners of Prehm Ranch and for the other people who are affected by those.

Chairman Martin stated that now you toss my dilemma right back to me. Is it worth the \$25 to \$50 million dollars to clear up those titles for all the individuals while the rest of the public gives that much money away without anything in return? That's a tough one.

Mr. Neiley stated that he doesn't agree that there's nothing in return, but...

Chairman Martin stated that in ownership there. There is no return in ownership. So, I have to look at the entire picture as well. I have to look at what the Board did in their best interest of the majority. I look at the other folks that disagree with that. I look at you, and I also look at my staff. I look at the decisions that I have to make. Most of all, I look at are we giving away too much in assets and are we following our own rules and regulations. And, I'll base my decision on that.

Commissioner Stowe asked Don DeFord a question. There has been a mention of this right-of-way, whether it exists or it doesn't exist as for a road, and there was also some concern by a few of the people voiced here that possibly we could put a trail in there. We don't have that authority or that in our rules and regulations at this point in order to convert a road right-of-way into a trail, do we?

Don DeFord responded that you don't have it in your regulations right now, that's not to say you couldn't have it.

Commissioner Stowe stated that we would have to maintain that roadway and then develop the regulations that would allow us to minimize this down to some sort of a trail or something.

Don answered that you do have the authority to maintain recreational space, including trails. In the past, the Board has declined to act, not just this Board, the Board of Commissioners generally, have declined to exercise that, but you can do that. It would take some time to do that. Commissioner Stowe stated that we have stayed out of the recreation business is what you're saying. Don stated that is right. Commissioner McCown had another question for Don DeFord. He is having a bit of a problem with this greenbelt as well.

In the area where the access, driveway, whatever we're going to call it today, depicted on the plat that we have been given here. It shows it clearly going through the greenbelt. Would it be possible to configure this plat showing those driveways or those easements clearly as an easement with designated width that's been approved and then the areas immediately adjacent to those be greenbelt and not allow any future encroachment on those greenbelt areas, therefore a road improvement to County standards that would be a subdivision-type road could never be built without encroaching or on the greenbelt? Could that be done?

Don answered that legally it can be done. The answer is yes to that, but this was specifically negotiated, I believe, by Marlin and the Westbank Ranch Homeowners Association as an easement, an access easement over greenbelt and they could speak to that probably better than I can. Commissioner McCown - He knew it was a negotiated item, and he is not trying to take away anything from the negotiation, but, by definition, it is clearly in violation of our zone text. We cannot violate our own codes. A road cannot cross it in its present condition, as we will be dedicating it today, if we pass this action. There is no provision for a road to cross it. We have to designate a road. We have to designate the open space going immediately adjacent to a road and no improvement or widening of that roadway would ever be allowed in that greenbelt area.

Don responded by saying that if you wish to go forward, you could make that a condition of your approval so that it conforms to our zoning regulations, but it is not part of the negotiated settlement at this point. Mr. Neiley asked if he could address that for a moment. You will note on the draft plat that there are two separate designations of the type of areas that we're talking about. The two ten foot strips of land that

traverse the common boundary are identified as greenbelt/open space. The triangular area where the road comes across is identified as the driveway easement area. To be frank, I didn't contemplate a request from the Planning Department to change the zone district designation of this strip to a zone district designation called greenbelt. We anticipated simply adding this to the Westbank Ranch Homeowners Association's common interest properties as greenbelt as otherwise depicted on the plat of Westbank, which has whole series of greenbelt areas. We can accommodate the requirements of the Planning Department, but one of the things that the Westbank Ranch Homeowners Association very much wanted in this settlement was that the road traverse property owned by the Homeowners Association so they had that enforcement mechanism against unauthorized use or against violations of the agreement because, actually, we own the property that the road traverses and, therefore, they have all the rights and mechanisms attended to any other ownership of real property subject to an easement. That's how it got that way. Chairman Martin stated, so, correct me if I'm wrong. You were asked to create a lot basically. Mr. Neiley responded with no. Chairman Martin stated, create a section of property in the definition so the lot is a portion of a subdivision intended as a unit for transfer of ownership. That would be a definition of a lot. So, technically it would become a lot and transfer of ownership, etc., and it could be used for development. Mr. Neiley said he reads the definition as saying "an independent unit intended for transfer of ownership and for development." Chairman Martin responded right, is our definition of a lot. Mr. Neiley responded correct. We do not intend this for development nor is it a separate parcel intended for transfer independent of the Homeowners Association. In other words, it doesn't go with any individual lot. It's owned by a non-profit entity and with common interest vested in all of the homeowners by virtue of their membership. I don't think it qualifies as a lot under the definitions of the subdivision or the zoning regulations. Chairman Martin said he would challenge him on that one, but that's his interpretation. Mr. Neiley responded by saying he appreciated that. The other ways we looked at was adding it to other lots in the subdivision. What we really wanted to do was give this to the Homeowners Association so they would have ultimate control of it. Chairman Martin state that he is strictly going by definitions and the rules and regulations. Mr. Neiley stated that was why he doesn't call it a lot. Commissioner Stowe asked Mark if there was any way to get around it.

Commissioner McCown stated that it doesn't meet the lot size for development. There is no way you could make a building envelope out of it. It is prohibitive to build on it. Chairman Martin stated that an area or a lot really does not have the definition of size. Commissioner McCown stated that if we are hassling with semantics and what we're going to call it, it's irrelevant. You can't build on it; it's not big enough.

Chairman Martin stated that he agreed. Mr. Neiley responded that their initial concept was simply to add it to the Westbank Ranch without rezoning it or doing anything to it. Just give it to the Westbank Ranch

Homeowners Association. Commissioner McCown stated that it had to have a definitive boundary before it could given to anyone. Mr. Neiley responded by saying absolutely. Commissioner Stowe asked if it was being called a lot at this point, or are we still standing with the greenbelt. Chairman Martin stated that if it's a greenbelt, it doesn't qualify. Commissioner Stowe stated that they had already established that. Chairman Martin stated that it's not big enough for a lot, so he doesn't know. Commissioner McCown stated that there is a parcel, as you can easily see, that it's crosshatched as opposed to the gray area or whatever color it may be on a colored map, that is clearly in that intersection or the driveway to Lot 22 takes off and the access drive, whatever you want to call it. It would be under the ownership of the Westbank Homeowners Association as a part of their open space area. Commissioner Stowe asked that maybe someone from the Westbank Board could help him in regards to the area by the Westbank entrance where their sign is and also I think there is a little picnic area or something there. Is that under the ownership of the Homeowners Association? Someone answered that yes it is. Commissioner Stowe asked how that is designated. Someone answered that it is open space. Commissioner Stowe asked just open space. Mr. Neiley stated that we can take the word greenbelt off. Commissioner Stowe asked Mark if that would work for us if it was just designated as open space or not? Mark stated that he would give him his non-legal opinion, but he thinks. I believe the answer is yes, it probably would. The intent of the original and I've got to emphasize, "planned development," this is not a PUD. It was a planned development developed under the 1970 Regulations included the variety of different open space areas some of which is adjacent to the entrance on the other side by County Road 109. This could probably be added as an open space area to that ownership. I'll refer to Don as to how that works. Don DeFord responded that he couldn't see why not. Chairman Martin asked if that would be using the 1970 rules or the present day rules. They have changed. Mark agreed that yes, they have, and that's why I differ with you on the Section 4 definition that's for PUD's. Mr. Neiley responded that frankly, they don't care what it needs to be called; it's their intention to give this to the Homeowners Association to fulfill their obligation to give them control of the land. And, we control the access and the land around it so that there will be no other accesses across it. If we need to come up with a different definition, we'll change the plat. There is a definition of open space in your land use code. We could simply call it open space subject to this access easement, if greenbelt troubles you. Commissioner Stowe asked about the paving issue that was brought up. The dust plume. Any thoughts on that? Mr. Neiley responded by saying yeah, Westbank Ranch Homeowners Association, when we negotiated the agreement did not want this paved because at least my interpretation of that was they did not want to encourage additional use of the road. It is a single-lane rustic road. It is not intended to serve as the primary access for the seven lots up river, excuse me, down river of Four Mile Creek. And, I believe the thinking was that if you pave it, it just encourages more traffic on it and people to drive faster, etc. We did talk with Mark particularly about the possibility of trying some Mag chloride on there. My client was reluctant because of the potential of the environmental impacts. Although, I guess the representatives of CDOT don't have trouble drinking that stuff. I don't know how it would affect the rest of us. Chairman Martin stated that there is a raging debate on that. Mr. Neiley responded yes, there sure is. We, too, would want to control dust. I suspect that we will be looking at other sources of surface additives, but you know, I'm short of watering it occasionally. Right now, we don't have any plans. Ultimately, there will be a homeowners association; there is a homeowners association out there that will be responsible for maintenance. We always thought that it might have been desirable to pave it for the same reason, but our neighbors asked us not to. Chairman Martin stated that he would be quiet if he doesn't have another one, but he has another question. This is to Mr. DeFord and that goes along with the definition or the transfer of ownership of the green space/open space, etc., and its presently AARD or ARDRRD. Mark responded that it is ARRD. Chairman Martin asked if it would not require a zoning amendment change to include that property into Westbank. Mr. DeFord responded that we have discussed that at some length. If it is not treated as greenbelt, I think the answer may be yes, and the reason I came up is there was a lot of discussion about whether or not this would be called a "lot" and that it was clear in that circumstance it would require an adjustment to the boundary of the zoned district because then it had to be included in the Westbank Ranch Filing No. 1, which is a different zone district than the plat, or excuse me, than the Prehm Ranch. It may, depending on the Resolution, require that it be incorporated in Filing 1. We have discussed that previously with Mr. Neiley that they might have to adjust the boundary of the district to expand Westbank Ranch Filing No. 1. It probably should be anyway because it is included as part of that subdivision, and would be very unclear if we split that filing. Chairman Martin asked for other questions the Board may have. He stated that there were some issues that were out in the audience. We'll go ahead and allow that to happen. We'll try and wrap this up here real shortly, so, Mark would you, and identify yourself. Were you previously sworn? Dick Weinberg, 86 Westbank, I took the swear. Chairman Martin asked if he took it twice or once. Dick responded that he is still swearing. He asked Mr. Neiley if someone passed him a gun and told him that it wasn't loaded, the first thing that he would do after he received the gun, he'd open it up and he'd see if there were any bullets in it. You're telling me that 27 cars a day, how do we verify that? Mr. Neiley responded that there is a computer-generated report that requires or that provides information as to who accesses the gate. Only people that have a card or a clicker device such as a garage door opener can access the gate. The computer program says what device is using it, what time of day it is, what the day of the week is. It is stored on the computer memory and reports are generated on a monthly basis and provided to your Association. Dick responded that they have heard it's not tamper-proof. His next statement would be that we'll put some cables across the road or maybe have the County do that and let's see if the numbers tally. Mr. Neiley responded that you are certainly free to do whatever additional monitoring or verification you want to do.

John Haines, Fairway Lane, responded that just as a point of clarification for you guys. You know, 27 cars a day, the gate does not stay down after 27 cars. If you look at the months of April and May, they can run 810 cars through there on the first of April and 810 cars through there on the end of May and constitute an average of 27 cars a day. Just so, you got that figured out. End of speech. Commissioner McCown asked Mr. Haines, would you agree they couldn't use it the rest of May. John responded, no, it won't stop, Larry, it keeps going. Commissioner McCown stated I see. John said so, they can run a 100 cars a day through there and, sure, we get a report that shows we've had 3,000 cars go through there in the month of May and,

like Mr. Neiley says, we are entitled to injunctive relief of something like that, and back to court we go and try to get something done, and that's that and they continue driving cars through there and we've still got no solution other than we know there are more than 27 cars a day going through there. Commissioner McCown stated so you don't put much credibility in this counting system. John stated that he puts a lot of credibility in the counting system. I think they can, as the cars go through, there'll be an indicator that shows who went through and what means they used to go through that. My concern is what do we when they get over 27 cars a day going through there. Warren Wright - we've had our first review of the gate and we've made comments and questions back to the Prehm Ranch, but one of the things that we did ask for was that the gate would discontinue to operate after 60 times 27 or two months, whenever you got to that count that the gate would no longer open or so. That's one of the things that we have asked for. That hasn't been resolved though. Mr. Neiley responded that they are opposed to that. I don't know if the technology is available that will do it, but we're committed to making this thing work. We don't want to end up back in court anymore than anybody else does. Commissioner Stowe asked if he would be willing to make that as a caveat on that condition that the gate, if the technology is available, the gate would be made to automatically lock down, power fail or whatever, if within a 60 day period there were more than 100. Mr. Neiley responded to whatever the math works out to. Commissioner Stowe asked Mr. Neiley if he would be willing to accept that. Mr. Neiley responded yes. Chairman Martin asked if they were taking into consideration emergency access. Is there an override code? Mr. Neiley stated that there is. Someone stated that that's not to be counted. Chairman Martin stated that he understood, but if you have a lock-down mode, I don't want to deny access. Suzie DeRoe responded that that was exactly what she was going to bring up. As I understand it, if there isn't access override code. So, we really aren't protected in any way for abuse of the 27 cars a day. And, I would also like to say, whatever the semantics are about the 27 cars, I still believe that this is a very big precedence to set for all of Garfield County and the Roaring Fork Valley, and I, again, want to reiterate that I hope that you will stand by your rules and regulations. Sterling Page - In the original agreement that was shown, and I believe it's the agreement here, that there were quite more stipulations to the gate being over 27 cars a day than just the gate doesn't work anymore. They're talking about removal of the access if the things are violated. Steve Beattie said that obviously, your staff had read your own regulations a little bit different than you had and they felt that the applications, obviously, Marlin and Westbank just didn't do these things wily nily. It was with a certain amount of direction from staff to try to figure out what would be an acceptable approach. Obviously from Westbank's point of view, if there were different designations that were necessary to make it work, Westbank would be willing to do that. My final point, as somebody indicated early on, I'd like to indicate again, my biggest concern all along has been just precisely what you were taking about in terms of the County has lots of claims of public access in through there. That's why, there may be a few points of disagreement among the Westbank ownership but, I think, one point that would be a position unanimity among all speakers, is that nobody wants you establishing any public roadways through there just because somebody 100 years ago had deeded something to the County. And, I think that there would probably be more cause for argument if we did that and I hope you would conclude perhaps, John, is something that the County has in effect abandoned literally a half a century ago, and upon which not only people here have relied, but after the County and its actions have relied, you're not giving anything up which you have a tangible right to, would take a long time to establish. Certainly, I don't want to argue with you, just my thoughts on the subject. Chairman Martin stated that was all right. But, there's one member of the Homeowners Association that has brought up a subject and that is public right-of-way, not as a roadway but as a pathway. And also connecting. That's also in our master plan as well as in the community's master plan as connecting these through trails, etc. And, so, why should be totally abandon or vacate a right-of-way when we can establish that now. So, that is my argument, too, it's not just the roadway.

Chairman Martin told Mr. Silvia he would be the last speaker from the audience. I'll put it that way. Eric Martin stated that just as a point of clarification, what happens today if kids from Westbank or citizens from Glenwood Springs ride their bikes or walk through the Prehm Ranch. Chairman Martin - we have to determine if it's a public access or a right-of-way, etc. Don DeFord stated he does have a question perhaps for Mr. Neiley and Mr. Beattie. We discussed at a great length whether or not this proposed resolution would fit in the County zoning code of open space/greenbelt lot. If, in fact, we have to accommodate this proposal as a lot under our zoning code and it needs to be increased to meet the minimum lot size in the RSLD zone district, are you willing to do that? Mr. Neiley asked if that was 20,000 square feet. Don responded I think, yeah, that's 20,000 square feet, I believe, isn't it Mark? 20,000 square feet in the RSLD zone district is the minimum lot size, I believe. Mark stated that if it's residential limited its 20,000, yes. Don asked if that was what Filing 1 is. Mark stated that that's what is presently shown on the maps and it was identified as a planned development originally. I believe it was developed under the what was the equivalent to the RLSD. Commissioner McCown asked Don if it would have to be contiguous to the existing open space to be included as a part and parcel of that open space. Don stated to be merged into it, yes, and I am answering it that way, it can still be open space and treated as open space, but in Westbank Ranch, they have two types of open space designation. One is similar to this property and it is a stand-alone piece of ground designated for nothing but open space. They also have open space that effectively is an easement over existing residential lots. And, for the latter type of open space, we did not come up with a mechanism to merge a fee interest in open space with that easement. Commissioner McCown stated he was thinking back merely to the entrance to Westbank where they have the sign and common area, whatever you want to call it. Don stated yes, that area is very similar to what we're talking about right now. Commissioner McCown asked if it was designated as a lot now. Don responded no, it is designated only as open space and it was done under the then existing regulations. Commissioner McCown stated that the regulations have changed. We cannot do that on the other end of this development. Don responded that there has been debate as to whether this can be treated as a PUD or not and, historically, this was a PD, is that right Mark? With other PUDs in the County, we have not treated them as PUDs; we have given them a zone designation. That's why I asked Mark about that RSLD zoning. Commissioner McCown stated that hindsight is 20/20 as we have found out today, but how was that created initially? The open space/common area/front entrance. Don responded that he doesn't know for sure. It was, as he said,

treated as a PD which had its own set of regulations in the early 1970s and, he didn't know for sure, he can only assume it was permitted under that. But, if you, if this has to be treated as a lot under zoning, it still would have to be treated as common open space under our subdivision regulations and would be restricted in that way. Chairman Martin stated that this is not an easy solution. Mr. Neiley responded in answer to Mr. DeFord's question, if that was the only way to make this happen, it would require approximately doubling the size of the strip of land, but we have sufficient amount of land to accommodate that and, if that is the only solution the County can see to calling this what we need to call it, I'm sure we can do it.

Commissioner McCown asked Don, since this has been a negotiated settlement and all of the conditions basically and recommendations have been agreed to, does that mean that that is how they should be passed. There's no provision for us as an entity to add to conditions, delete from conditions of approval at this time? Don responded that there are two caveats to that, Larry. One is, I think, the obvious one where you have agreement stated in the open public hearing as to changes that obviously you can include those. The latter was just an example of that. We had another one on the gate. As to ones for which there is no agreement, you are still entitled to state conditions if you want to do that. You take the risk that they will not be accepted by the parties and the settlement won't go forward. Following up on Larry's question, Chairman Martin stated that this would be his last and then he would shut up. That is, if the County chooses not to accept what has been presented, requests, the obligation to the County at that point is that they don't accept the settlement either, is that correct. They wouldn't accept the settlement as presented. Don clarified; you mean if the County doesn't accept it. Chairman Martin asked what liability we would have at that time. Don stated that then we look to the other parties to see if there is something else they want to propose or if we simply proceed with litigation. Commissioner Stowe made a motion to close the public hearing, seconded by Commissioner McCown. Motion carried. Chairman Martin stated that a lot of testimony and a lot of exhibits, a lot of research. The recommendations. Commissioner Stowe requested that they make their motions one at a time. Don stated that for the record to be clear, there are four items in front of you.

Commissioner Stowe made a motion that they approve the amendment to an exemption from the definition of a subdivision for the Prehm Ranch with the recommendations of staff modifying Item 4 in reference to the 27 vehicle trips per day to include that within any 60 day period, should that count reach or exceed 1,620 trips, that the gate will automatically shut down until such number of days have passed that it can then again reopen and maintain that average, and also that we would add that the open space that is currently provided as greenbelt that is being deeded over to Westbank be increased as necessary to accommodate open space or lot within certain reasonable limits to allow for a roadway to be passed through that stretch of land. That's probably not the best way to word that, but hopefully it makes clear what I'm trying to get across.

Commissioner McCown responded that he is having trouble with one word in Commissioner Stowe's motion. "Roadway." Don responded that Mark treated it as an access easement. Commissioner Stowe changed the word "roadway" to "access easement." Commissioner McCown seconded the motion as reworded.

Commissioner Stowe wanted to point out a few of the comments that were made. The County has not ever, nor is it now or to my knowledge in the intention, in a position to enforce covenants. That is something that we do as a civil matter between homeowners. I think there were some notes that we should be enforcing covenants. If we tried to do that, everyone in the County would go bankrupt doing that. Access was denied and it was mentioned that the County should stand behind what we said originally. We did deny access. We cancelled that or vacated that strip of land, and we also joined in a lawsuit to prevent Marlin from moving ahead. We didn't go up there and tear up the road, but we did initiate a lawsuit in trying to appease the fact that access had, in fact, been denied. The cul-de-sac, it was mentioned this is a play area. Well, I have to remind everybody here, that County roads, those are county roads in Westbank and as someone aptly pointed out, we don't let our children play in county roads or any other roads, and if we do we do so at a risk, and those are all one acre plus lots in Westbank. I've got to believe you got to find a place for your kids to play besides the middle of the street or the 100 foot cul de sac which is intended for a turn-around for fire trucks, emergency equipment and cars. There was also reference made to cars going through there at 50 and 60 miles per hour. I am aware, at one time in the Westbank's history, probably in the mid-90's, there were speed bumps installed in Westbank. Much to the chagrin to several of the homeowners there, they were promptly removed within a three-month period. Now, that was long before Marlin or anybody else was driving through there, so, you do have a speed enforcement problem. That's something you need to take up with the Sheriff's Department or something you have to decide as homeowners to go out and take care of. I agree nobody wants people driving 50 and 60 miles an hour down their roads in Westbank. John, I have to disagree with you and your extrapolated evaluation of this land as being worth \$50 to \$60 million dollars should we ultimately vacate it. But that's the issue, I guess, at the next another point, but I find it hard to believe that we're giving up \$50 million dollars worth of property. With that, I'll be quiet. Commissioner McCown responded on the motion of the Prehm Ranch subdivision exemption, I'll be the first to admit that I don't think this is the best agreement. But, I will be the first to admit that this is the best agreement we're going to get. I don't think it would serve a purpose for us to deny this and start putting the gloves back on and go back through court and spending your money. It's not going to stop the Prehm Ranch subdivision from happening. It may slow down the access coming out the south end until the court has ruled. There is no guarantee in a court case how the court is going to rule. There's only one sure thing, and it's like Judge Craven said, "there will be a winner and there will be a loser." And, whoever's on the losing end in the mean time is going to expend a lot of money. And I think some of the things that the gentleman testified to on the paper that they were given the night of the settlement; he alluded to as being scare tactics. Maybe so, but I think all of those were, in fact, realistic things that could happen, and, I think, each of you as homeowners have to be aware of that. And, if Garfield County picks up the banner and fights your battle, it's still your money. It's just coming out of a different pocket. You may not be assessed a due for it, but you're being assessed by the 15th of April, you will have been assessed where your money is going, but it's also the people's money north of DeBeque that are fighting your battle in Westbank. A lot of them probably don't even know where it is if we used the

taxpayers money to fight this battle. We enjoined it to the point that we thought we had reached an agreement that was compliant with a majority of the Westbank homeowners. And, it's like any other democracy. I don't think you find a 100% vote on almost any issue and nor was there one on this, but it was clearly a majority. And, we have to respect the wishes of the majority of the Westbank Homeowners Association in agreeing to approve this. So, I'm not going to give this logical line of reasoning on every one of these or we'd be here till seven o'clock, but, I think it's important that we get it clear on this first one as we move forward through this process. I'm not completely happy with Mr. Neiley and his group, but I think for the least amount of brain damage we can occur, we can move forward with this agreement, and I think it's the best that any of us, and I'm seeing I'm not in agreement with everyone, it's the beset that we can expect. And, yes, if your children are playing in the middle of Oak Lane, they are in the middle of a county road, and they would be no different than if they were playing in 109. You would view it as different because it is your street. But, your street is a county road. It is a public road, and that's the one thing that we all have to remember. Chairman Martin stated that he can respect everybody's points of view, but he has his also. I don't feel that the rules and regulations of the Board of County Commissioners adopted when we did are being upheld because I don't think that we can create this type of an access against our rules and regulations, green space, open space, limited access, etc. It does not apply. It also overturns a decision that we, this Board, were asked to do in our petition and that was to vacate a certain area on public access, etc. We haven't done that yet, and I don't think we can forward until we do that. Also, there happens to be a zoning issue that has not been resolved that needs to be done also. And, I really feel that we're not upholding our own point of view when we denied the exemption access on the south end. We had the long conversation about is this acceptable – will you be able to provide service to those that buy your property with only a north access, and the answer was yes. I think we fall back and we don't do ourselves justice that way if we allow this to happen. Chairman Martin called for all those in favor of the motion to approve. Commissioners Stowe and McCown approved with Chairman Martin opposing. Commissioner Stowe made a motion to approve an amended final plat of the Westbank Ranch Planned Subdivision Filing No. 1 with conditions as noted by staff. Commissioner McCown seconded the motion. Chairman Martin asked for discussion. Don asked if they were incorporating the same conditions that they did on the exemption as well. Commissioner Stowe answered yes he would be. Chairman Martin asked Mark if he had all of those. Mark asked if he was to add the same type of language that was on the previous decision, is that correct in terms of limitations on the number of trips and automatic shut-down, etc.

Chairman Martin voiced his same opinions as he did on the first motion. He called for the question of all those in favor. Commissioners Stowe and McCown approved with Chairman Martin opposing. Commissioner Stowe made a motion to approve the application dated January 25, 2002, permittee Marlin (Colorado) Ltd. and Lynne Cantrell for an application for a driveway permit. Don asked if Commissioner Stowe incorporated the conditions added by the Road & Bridge Department. Commissioner Stowe added the conditions that were added by Road & Bridge and the authority for the Chair to sign the application upon final presentation. Commissioner McCown seconded the motion. He stated that his copy is barely legible, but he believes that there may be some stipulations under this condition that would be against the width agreed to in the amendment and he would make sure that they are both compliant. Commissioner Stowe accepted that amendment to his motion. Commissioner McCown corrected that they comply with the exemption amendment. Chairman Martin asked for any further clarification. He called for all of those in favor. All Commissioners were in favor of the driveway access to Lot 22. Motion carried.

Don stated that the remaining item is the petition to vacate submitted by Prehm and the Westbank Ranch Homeowners Association. If you are going to move forward as you have on the previous ones, you need to authorize the Chair to sign a resolution vacating the roadways as described in the petition. Commissioner Stowe made a motion that the petition to vacate the public roadways as a designated and the Chair be authorized to sign such vacation upon final presentation and plat and recording of the same, seconded by Commissioner McCown. Chairman Martin stated that we are gravely mistaken if we vacate this road because of the tremendous amount of good that we are giving away. It does not benefit the public. It only goes to the pleasure of Prehm Ranch to make it an exclusive fishing camp, limited access, private access, and it really does not benefit the public other than they know that it is there but they can't see it from any angle unless they are in the aircraft. Commissioner Stowe mentioned that it also benefits several homeowners in the Westbank Ranch subdivision whose property is compromised should we go ahead with this, and we can't very well vacate one subdivision without vacating both. That's discriminatory and would throw us in the middle of a lawsuit. Chairman Martin agreed, but I think that their claim should be with their land title company and not ask the County to bail them out and to bail out title companies that have made either a mistake or did not do the proper research. That's my point of view. Chairman Martin called for the question of all in favor. Commissioners Stowe and McCown approved with Chairman Martin opposing.

Colorado Division of Wildlife Impact Assistance Grant Application

Commissioner Stowe made a motion to approve the Colorado Division of Wildlife Impact Assistance Grant Application and that the Chair be authorized to sign. Chairman Martin clarified that all three would sign it. Commissioner Stowe changed his motion to reflect that all three Commissioners would sign the Grant Application. Commissioner McCown seconded the motion. Motion carried.

The next meeting of the Garfield County Board of County Commissioners has been scheduled for April 15, 2002.

ADJOURN

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

Attest:

Chairman of the Board

APRIL 15, 2002
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 15, 2002, with Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Chairman Martin was absent.

CALL TO ORDER

Commissioner Stowe called the meeting to order at 8:00 A.M.

COUNTY MANAGER UPDATE – ED GREEN

▪ ***Credit Cards***

Ed Green gave a brief explanation of the new credit cards. Lois stated that these cards would be presented first to various department heads. Last February, department heads were asked to cancel all use of existing credit cards so the integration of the new cards could take place. She stated that these cards should give the department heads stronger control on what is charged and what is allowable. She explained that each card would have a set of criteria that would only be permitted on that particular account. There will be specific cards for hotel, travel, mileage, fuel, etc. Users will not be allowed to charge anything inappropriate on the specific cards against the County. Any inappropriate attempts to charge will be given to the department heads immediately. Lois stated that use of these cards would alleviate late charges and interest that is now being paid on the County credit card. The new card fees will be paid by a warrant or immediate wire transfers. She stated several categories that can be placed on each card, such as a single dollar limitation, a specific number of charges per cycle, or charges made directly to a certain department. These cards can be blocked for cash advances and any inappropriate purchases such as cigarettes, liquor, etc. Lois stated that they would like to start with the Administrative offices first, then Social Services, and so forth down the line according to size of departments.

Commissioner Stowe asked if these cards would identify specific charges. Tim Arnett stated that the new card will be set up to prevent liquor or cigarette purchases, and that Wal Mart will only permit certain purchases. Any inappropriate use will go directly back to the department heads so they can see what has been attempted to be purchased. Lois stated that certain cards will have a merchant category code where Social Services could go to Wal Mart to purchase children's clothing, diapers, etc., but they would not be able to purchase women's clothing or cosmetics for example. Commissioner McCown stated that this would be a control mechanism with a "before the fact." He also stated that the rates and terms look good, but he does not see the existing problem being taken care of with these cards. He stated that these cards would not have the tracking method that we need. Ed Green said the cards would still require a manager's approval. Jesse said the current credit cards do not restrict purchases. Ed said these new cards would provide another method of control. Lois stated that certain purchases would be pre-empted at the point of sale and thought this may be a better system. Commissioner McCown agreed that additional control does need to be enforced and the new cards will possibly allow better control. Jesse stated the advantage of the new card is the fee structure in that this card will eliminate all daily fee charges. Lois stated they would like to start with departmental cards instead of individual cards. She added that the processing of purchases on the new cards would also take less time. They would like to start on within 45 days with Administration, then other respective departments within Social Services as they have the largest usage, then Road & Bridge, the library, while slowing pulling in the current credit cards. Lois stated that they would like to redeem all current credit cards by July 2002. Commissioner McCown moved to approve the UMB bank cards with Colorado Mountain College and the City of Glenwood Springs, seconded by Commissioner Stowe. Motion carried.

▪ ***Approval of an Assignment of Engineering Services Contract (Airport) from Raytheon to Washington Infrastructure***

Dale Hancock recommended approval and signature of the Assignment of Engineering Services Contract pending any legal approval. Don DeFord asked if the County would be subject to periodic review of proposals. Dale stated that this is a five-year contract and we are now coming to the end of three years. Ed Green stated that our master plan is Region 10 FAA. Commissioner McCown made a motion to approve the Assignment of Engineering Services Contract and that the Chair be authorized to sign on the approval of the Legal Department, seconded by Commissioner Stowe. Motion carried.

- ***Prioritize Energy Impact Grants***

Ed Green explained that these two grants are for the Airport Road improvements at the intersection of County Roads 319 and 346, and the construction of an aquatic center at the Glenwood Springs Community Center. There will be a DOLA grant for \$450,000 in this award. Rifle's request in the Airport Road improvements project is for \$600,000.

Airport Road Improvements, Phase II, City of Rifle

The City of Rifle was represented by Joe Klugston, Mayor Pro-Tem, and Shelby Meyers, City Manager. Commissioner McCown asked about any new facts on the issue that the County needed to know. Joe stated, for informational purposes, that at 7:30 a.m. this morning for a period of approximately a half hour, he counted 50 cars on the Airport Road and 52 in the eastbound lane of I-70. He stated that the Airport Road is a very heavily traveled road. Commissioner McCown stated that the County is familiar with project, that the County has projected money for improvements, and that the project would be done. Joe stated that, at the curve, eventually a 25 M.P.H. sign would have to be posted along with a stop sign. That section of the road has been estimated at 45 M.P.H. in the project design. Shelby stated that he does not know what the study will indicate or if it will be done early enough to affect the design in whether or not they will have to stop short of the project. Commissioner McCown asked if the City of Rifle was using the County's proposed alignment for the new project. Shelby answered that the City is not using any alignment at this time, and they are not anticipating acquiring land from the Sills, as they will use properties as a match.

The Glenwood Springs Aquatic Center, City of Glenwood Springs

Don Vanderhoof, the Mayor of Glenwood Springs, was present. Don stated that this grant request is for assistance in building an aquatic center at the Glenwood Springs Community Center. He stated that the Community Center is being built in three stages. The first stage was the main building and the hockey rink, the second stage is the aquatic center, and the third stage is an auditorium. They are now looking at the pool stage and Don stated that even though it is a City of Glenwood Springs project, he wanted to point out that 35% of the people using the Center at this time are out of the City limits. He stated that the aquatic center would be used by the Glenwood Springs High School's Sopris Barracudas swim team, and that students from Basalt to Rifle participate in the swim team competitions. Don stated that they have raised approximately \$1.5 million of the \$3 million to build the pool, and they are looking for grants to be able to finish the second stage. Commissioner McCown stated that this looks like a good project. Don explained that on April 29, a group called Friends of the Community Center would participate in a pledge drive. Commissioner McCown asked whether this stage was ranked one, two, or three, would it affect any of the other projects. Don stated that it would not.

Commissioner Stowe explained the voting process for the Airport Road and the aquatic center. Each county, each City and each Commissioner would have one vote.

The City of Rifle received three votes.

The City of Glenwood Springs received one vote.

Commissioner McCown moved to authorize the Chair to sign a letter of support approving the grant for the Airport Road Improvements, Phase II, City of Rifle as the first priority for \$600,000, and authorize the Chair to sign a letter of support approving the grant for the Aquatic Center for the City of Glenwood Springs \$225,000, seconded by Commissioner Stowe. Motion carried.

Sheriff's Department Vehicle – Replacement of Four

Ed Green explained the need for replacement of four Sheriff Department vehicles. He stated that, of the four vehicles, two have been falling short on mileages that are now in the motor pool. The two other vehicles within the Sheriff's Department fleet have warranted more mileage. Ed stated the need to use the Sheriff's Capital Budget fund in replacing these vehicles. On a practical standpoint, Ed said that the Blazers should accumulate another thousand miles before they are replaced. He requested an agreement from the Commissioners to allow this budgetary change. Commissioner Stowe asked how many vehicles remain in the fleet. Ed stated that there are possibly three or four. Ed stated that eventually all of the vehicles would be melded into the motor pool. Jesse stated that these vehicles were bought through the Sheriff's budget then put into the motor pool. Jesse added that the mileage charges would come through a motor pool. Ed stated the only thing different would be the use of Capital money to replace the Sheriff's vehicles. Commissioner McCown asked what the status was on the pickups. Ed stated that one is being used for search and rescue and as a patrol vehicle. Tom added that there are two Sheriff's pickups that are controlled through the motor pool. Commissioner McCown made a motion to approve the replacement of the four Sheriff vehicles, seconded by Commissioner Stowe. Motion carried.

COUNTY ATTORNEY'S UPDATE

- ***Consideration/Approval of Resolution Amending Resolution 2001-26 Establishing Travel Expense and Mileage Allowances for County Officers and Employees***

Don DeFord described the resolution in that it applies to the current Commissioners. Commissioner McCown moved to approve the amendment to Resolution 2001-26 Establishing Travel Expense and Mileage Allowances for County Officers and Employees, seconded by Commissioner Stowe. Motion carried. Commissioner McCown added that the Chair would be authorized to sign that motion. Don affirmed that statement.

- ***Executive Session – Pending Litigation – Lawsuit – Legal Advice, County Property***

Don asked for an Executive Session for advice on three pending litigation matters, one existing lawsuit, and legal advice regarding County property. Commissioner McCown moved to go into Executive Session, seconded by Commissioner Stowe. Motion carried.

Commissioner McCown moved to come out of Executive Session, seconded by Commissioner Stowe. Motion carried.

- ***Action – City Hall Staging Area***

Don DeFord recommended Board action to authorize the Chair to sign a revocable license allowing the City to utilize the area between the Courthouse and the new City Hall for staging of construction equipment for the new City Hall, limited to six months. Commissioner McCown made a motion to approve the license allowing the City of Glenwood Springs to utilize the area between the Courthouse and the new City Hall for a six-month period, seconded by Commissioner Stowe. Motion carried.

- ***Action – Hicks Property - Litigation***

Don recommended Board action authorizing the County Attorney's Office to pursue any necessary litigation versus the Hicks property owners concerning zoning and subdivision violations. Commissioner McCown moved to authorize the County Attorney's Office to pursue any necessary litigation regarding the Hicks property owners regarding zoning and subdivision violations, seconded by Commissioner Stowe. Motion carried.

- ***Veterans Officer Request***

Commissioner McCown asked that an item to be placed into the record regarding a letter from Joe Carpenter, the Garfield County Veteran's Agent, asking for the County's blessing for allowing the Marine Corps League to have a Saturday morning membership breakfast in front of the Courthouse by the service monument. It would be very early on a Saturday morning. The date has not been scheduled as they are asking permission to be able to hold the breakfast. It was the consensus of the Board to allow the Marine Corps League to have a Saturday morning membership breakfast.

- ***County ID Cards***

Commissioner McCown asked what the status was of the County I.D. cards. Jesse Smith stated that they are tied into the security system on the Courthouse Plaza building. They are timing the I.D. cards along with the security system to be able to code the magnetic strips appropriately. Not all County employees will have access to the Courthouse Plaza. All employees will have I.D. cards and, depending on what is encoded into the magnetic strips, will determine what types of access they will have. Jesse said that these cards should be available this summer. Ed Green stated that he had a meeting with his staff and all of the occupants of the new building. A presentation was made of the security system. Meetings with the persons setting up the security system and the department heads will be held to identify what their needs will be. Mildred stated that she would need to have access to that building at certain times. Ed stated that cards would be coded for specific uses.

RE-PRECINCTING PLAN – NEW MAP

Mildred stated that in regards to the Consent Agenda item of the re-precincting plan, she has a new map. This will be the final map for the Board's approval. The lists for the precincts are now out to both party chairmen so that the caucus procedure can begin. The caucus is April 23.

COMMISSIONER REPORT

Commissioner McCown reported that he attended a mock accident scene at the Battlement Mesa High School on Friday at 12:30 p.m. that was done by the Mothers Against Drunk Drivers with the Parachute Police Department and the Colorado State Highway Patrol participating. He stated that it was well attended by all high school students. This mock accident is usually scheduled prior to the prom as a deterrent to drinking and driving.

Commissioner Stowe reported a Personnel Committee meeting tomorrow, April 16, at 1:30 p.m. He stated there would be a Workforce meeting via telephone on Wednesday, April 17, and a CCI meeting on Friday, April 19.

Mildred received a notice from Sherry with the Pipeline Group wondering if any of the Commissioners would be attending a meeting this Thursday night, in Grand Junction April 18, regarding construction issues. The Commissioners will not be attending this meeting.

Ed reported that he and Commissioner McCown would be attending a Human Services Grant Committee meeting today.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Resolution of Approval for Sonlight Foursquare Church CUP
- c. Sign Resolution of Approval for Marc and Erin Bassett Special Use Permit
- d. Sign Resolution of Approval for Jane Baker Veit Special Use Permit
- e. Sign Resolution of Approval for Adoption of 1997 UBC Codes
- f. Sign Resolution of Approval for Preliminary Plan on the Eagles Nest Tract A
- g. Sign Resolution of Approval to Amend Sections 4.14.01 and 5.10.01 of Garfield County Subdivision Regulations
- h. Sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for the Prehm Ranch Subdivision Exemption
- i. Sign a Resolution Concerned with the Denial of an Exemption from the Garfield County Subdivision Regulations for James Mahan
- j. Sign a Resolution Concerned with the Approval of an Amended Final Plat of Lot 22, Westbank Ranch Planned Development Subdivision, Filing No. 1
- k. Liquor License Renewal
 - Sopris Restaurant
 - Catherine Store
 - New Castle - KOA

l. Approval of Re-Precincting Plan for Garfield County

Liquor License – Fairway Café – Battlement Mesa Golf Course

Mildred addressed one liquor license that did not make it on the agenda. It is for Battlement Mesa Management for the Fairway Café at the golf course on Battlement Mesa. She said that Sopris Restaurant did not receive a renewal notice. She contacted the State and they informed her there was no problem with the renewal of Sopris Restaurant's renewal. If the Board desires, a fine can be assessed to Kurt Wigger. He did not realize that he failed to send in the renewal until he was notified. Commissioner McCown stated that the State has been slow in issuing renewal forms for liquor and food service licenses. He would be reluctant to ask for a fine on a business that has been established and reputable and has no historical problems as far as violations. It was an easy oversight.

Mahan Issue - removed

Charlie Willman was present to discuss the Mahan issue and asked that Item i be removed from the Consent Agenda and moved to the Public Session.

Commissioner McCown made a motion to approve Consent Agenda Items a through h and Items j through l, with the addition of a liquor license renewal for Battlement Mesa Management, and to strike Item i from the Consent Agenda for rehearing at a later date, seconded by Commissioner Stowe. Motion carried.

Mayan Issue - Discussion

Charlie Willman stated that he is an attorney in Glenwood Springs and represented the Mahans in the application that was presented to the Board last week. He wanted to approach the issue that came up last week that he understood the Board's denial was an issue of covenants. Don DeFord stated that since the Chairman, John Martin, conducted that matter as a public hearing even though our regulations treat it as a public meeting, and that item was closed for evidentiary consideration. Don asked Charlie if he was asking that the Board reopen the public hearing. Mr. Willman stated that he was requesting this issue be reopened. He believed that the covenant the Board was looking at in the Senate 35 Resolution does not apply to the Mahan property. Don stated that in order to reopen the public hearing, the members of the public who were present were notified that it was closed and that there was no further evidence being considered. Don stated that if Mr. Willman wishes to have the opportunity to reconsider what was done, a motion would need to be made to reopen it and the public would need to be notified again so they would have an opportunity to participate. Commissioner McCown stated that it would require the same notification period

that was on the initial exemption, which would be May 20. Commissioner McCown moved to rescheduled Item i, signing a resolution concerned with the denial of an exemption from the Garfield County Subdivision Regulations for James Mahan, to May 20th for rehearing, seconded by Commissioner Stowe. Motion carried.

CONDITIONAL USE PERMIT FOR A HOME OCCUPATION. LOCATION: LOTS 10, 11 AND 12, BLOCK 4, TOWNSITE OF COOPERTON. APPLICANT: NANCY SMITH

Present was Nancy Smith of 601 Spring Wagon Court, Carbondale.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Commissioner Stowe swore in the applicant and staff.

Kim Sleagel submitted the following Exhibits: Exhibit A – Green and white mail receipts; Exhibit B – Proof of publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Staff Report and Exhibit E – Application materials.

Kim stated that this is a request for a Conditional Use Permit to allow for a home occupation. The applicant is proposing to build a single-family home and a 550 square foot office above a detached garage on the site for an architectural practice. The office will have one bathroom; water and wastewater use for the bathroom is not expected to be more than for the single-family residence. Use of the office will be from 9:00 a.m. to 5:00 p.m. on weekdays. The number of vehicles accessing the site will average two to three per month. The applicant does not have any current employees and does not plan to have any employees in the future. The applicant should note that there should be no appearance of commercial activity on the site.

A home occupation is allowed as a conditional use within the zone district. The proposed access is a private driveway off Mesa Avenue. The applicant will not be required to obtain a driveway permit for this, as it is not a County road. The Town of Carbondale provides water service to the building. The applicant has provided evidence that a water tap has been purchased and approved by the Town of Carbondale.

Sewer service will be provided by an ISDS system. Since this is an empty lot, the ISDS has been planned for the anticipated uses on the property. The applicant will need to obtain a septic permit as part of the building permit process. Staff recommends approval of this conditional use permit with four conditions. The applicant commented on a letter from a neighbor. Nancy can understand Ms. Emery's concern if she were to have employees that would generate extra traffic. She does not think it will have any impact on the neighborhood, but that it may be a benefit having someone there during the day.

Commissioner McCown asked in regards to the septic system whether it is a conventional ISDS system.

Nancy stated that she would hopefully be able to use the conventional infiltration system. She stated that she was originally going to do the infiltration system, but became concerned about clearances. She then thought about doing a dry well, but she discussed this with Arno and she will now go with an infiltrator system, as the perk rates are very good in that area.

Commissioner Stowe asked for public comment. There was no public comment.

Commissioner Stowe asked whether the two to three vehicles per month would be adequate. Nancy stated that this would be on an average as she usually goes to the site of her jobs. She added that it would be unusual to have more than that at any given time. Commissioner McCown moved to close the public hearing, seconded by Commissioner Stowe.

Commissioner McCown moved to approve the conditional use permit and Staff's recommendation of the four conditions, with the addition of stating two to three vehicles per month per year, seconded by Commissioner Stowe. Motion carried.

AMEND PLAT TO DISSOLVE THE LOT LINES BETWEEN LOTS 3 THROUGH 9 TO MAKE ONE LARGE LOT. LOCATION: 55 MESA AVENUE. APPLICANT: DON AND LUCINDA WESTERLIND.

PRESENT WERE LUCINDA WESTERLIND AND DON WESTERLIND OF 55 MESA AVENUE, CARBONDALE.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Commissioner Stowe swore in the applicants and staff.

Kim Sleagel submitted the following Exhibits: Exhibit A – Green and white mail receipts; Exhibit B – Proof of publication; Exhibit C – Staff Memo; Exhibit D – Letter received on March 28, 2002 from Iris Emery and Exhibit E – Application materials.

Kim described this application as a request to amend the Plat for Lots 3, 4, 5, 6, 7, 8 and 9 of Block 4 of Cooperton Subdivision. The parcel is located at 55 Mesa Avenue within the RLUD zone district of

Garfield County. The applicants would like to dissolve the lot lines between Lots 3 and 9 to create one large lot. These lots were originally platted in the 1880's and are only approximately 25 feet wide. Dissolving the lot lines would allow the applicants to remodel and enlarge the current building already in place on the property. The planned addition will partially move onto Lot 5, with a new septic system for the house on Lot 6. The applicants are reducing the lot density in this area, thus making a legal lot for the existing structure that is already in place on the property. Staff recommends this amended plat request. Lucinda added that this not a multi-family housing of any sort. It is just one residence for them and their family.

Commissioner Stowe asked for public comment. There was no public comment.

Commissioner Stowe moved to close the public hearing, seconded by Commissioner McCown.

Commissioner McCown made a motion to approve the request to amend the Plat for Lots 3 through nine, Lot 4, Cooperton Subdivision, and removing the lot lines to create one large lot, seconded by Commissioner Stowe. Motion carried.

PUBLIC MEETINGS:

REQUEST FOR RELEASE OF LAND FEES, ROARING FORK SCHOOL DISTRICT – DR. FRED WALL AND SUE HAKANSON

The applicants were not present. Don reviewed the letter from the Roaring Fork School Board. Don stated this was part of the school impact fee statute that is submitted annually for release of these fees. They have included the language to hold the County harmless for any claims for damages. This is a result of the case out of Douglas County where Douglas County had to return substantial fees to the contractors involved. Don stated that this is an appropriate statutory request and, normally, the Treasurer is the one who would act on this once the Commissioners have given authority for the release of fees. Commissioner McCown stated that it is a generic request. Commissioner McCown made a motion to approve the request from the Roaring Fork School District for the release of funds held on their behalf, seconded by Commissioner Stowe. Motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Shirley Willis of the *Colorado Rural Development Council* came before the Board asking for assistance for their program. The Federal Government, as well as the State Government, has cut back on their funding a great deal and without the Rural Development Council, the rural areas of Colorado would be hurting for representation. She passed out information to the Commissioners. One of the greatest assets is the rural network where they attend quarterly meetings to become connected into a diverse partnership. She explained that they serve an information conduit, bringing State, Federal and Tribal governments to meet directly with the rural communities, in turn, give rural representatives from local governments, non profits and small businesses the opportunity to talk directly with these government agency representatives. Valuable networking also takes place among the rural representatives. For example, individuals might find that another Colorado community has already accomplished something that their area is trying to do, or they might learn how other communities are addressing the issue of common concern. She stated that it is a good program with a lot of involvement and opportunities for rural communities and counties within our area. She said that when the Rural Development Council met in Battlement Mesa, they were interested in the Council's connection with the Volunteer Fire Department and Ambulance Service where they paid \$40 for a family or \$30 as an individual, which would cover an ambulance trip to Claggett Memorial Hospital. On the Eastern Plains, they were able to institute something similar. They also provide a safe, non-partisan forum for discussion of key issues with a variety of interests and facilitate statewide networking and idea sharing. The Council also works with the Millennium Holiday Tree, health issues and low rent growth. Commissioner McCown stated that we do participate through the Associated Governments and Club 20, which the County is a member.

HUMAN SERVICES COMMISSION - COLORADO WEST COUNSELING SERVICES

Also present was Michael Lucid of 994 Cottonwood Lane, Glenwood Springs. He represents the Human Service Council serving at the Board's pleasure and with Colorado West Counseling Services. His main focus is on mental health, not just on Colorado West's services. He wanted to talk about the services they provide and the organizations that are making those services available. He discussed the need for mental health services in the County, along with funding needs. Garfield County does have a few psychiatrists in the area. Colorado West has the best psychiatrist, Lowell Stratton, who serves Garfield County and Pitkin County. He is board certified as a child and adolescent psychiatrist, as well as an adult psychiatrist, and has a strong medical background to be able to work with physicians at Glenwood Medical Associates and Valley View Hospital.

They also provide recovery services for drug and alcohol clients, along with services for severe and persistent mental illnesses. They try to take care of the symptoms, thought processes, mood swings, and education of caring for these symptoms. The Council helps these individuals to finish school, get jobs, help with relationships, and help in leading a normal adult life. One of the keys to this service is vocational service. This area has had limited access to vocational services and funds, but it is getting better. Services are provided for children and adults, but services are lacking for the elderly. The providers include Colorado West, the largest in the area, and other non-profits such as Youth Zone, Garfield County Department of Social Services, Mountain Valley Developmental Services, Valley View Hospital, churches, the schools, and the Garfield County jail. The for-profit groups involved include White River Counseling, Child & Family Services, and many other individuals. There is also a proliferation of individuals in private practice and are for-profit, which has grown over the years.

There is a shortage of funds in paying for these individual services. They hear a lot from the different communities and agencies in the area of the large need for mental health services in this area. Aspen Valley Medical Foundation is the most recent group of human services providers who receive funding from the foundation. One particular group that is not being helped is those who are under stress from commuting, childcare, etc. He added that suicide rates in this area are higher than the national and state averages. Colorado is higher than most states, and Garfield County is higher than the state average.

Although it is a relatively rare occurrence, the impact on families, law enforcement and others is high. He spoke about the identified gaps and services. They do not have a local, residential crisis center because of the cost financially. The closest psychiatrist in-patient hospital in the entire Western Slope is St. Mary's in Grand Junction. If an individual is indigent without the ability to pay, they have to go to Pueblo, which is quite a drive and oftentimes Garfield County's law enforcement have the opportunity to transport those individuals. There is a huge impact on the County for transporting these individuals to facilities that will take them because of finances. There is little, if any, service for folks who are sex offenders. Since it is a very specialized service, and the educational background is lacking in this area. They have limits in terms of residential programs for persons with special needs, mainly young people up to teenagers, and folks with developmental disability, who may have mental health needs, organic brain problems or injuries that are not classified as mental health, but still impact their behavior. Since they are growing into puberty, they are getting rather large and hard to manage. They have nothing that even comes close to meeting the needs of these kids. The regional center in Grand Junction has been limited. The challenge is that these are high-cost programs that require a certain amount of clientele to make them work.

They have also identified over the years that they do not have readily available intensive outpatient services for adolescents. There is a small program with the Yampa School. There is a large lack of funding and no way for patients to pay for it. Michael stated that there is also a lack of services for Hispanic or Latino individuals. Colorado West employs two full-time bilingual therapists. One of them is bi-cultural, which they also share with Aspen. There is one individual practitioner, although limited in his scope of services, has volunteered his services.

Michael stated that over the last 15 years, they have seen spending on mental health care services go down, but has started to rise again as they have not been able to keep up with inflation. He said the cost estimate of \$1 to \$1.5 million of services is provided per year in this area. The funding has been cut back because of innovations of putting dollars back into the system. There are State bills going around for funding, but now he is not sure what will happen. There may be flat funding without increases. Michael stated that the funding picture does not look good for the future. The services they provide now could be limited because of this. Michael stated that they are also learning how to do things better in regards to new medications, new technology, and new recovery methods.

In summary, his perception is that they have an overabundance sufficient for simple outpatient therapy, but this funding will not keep up with inflation. There are some significant gaps in services that influence the County operations of staff and create challenges for everyone. He stated that the funding picture is not positive for the immediate future, although there is hope for the longer term. He said that access to discounted services is likely to decline in the next couple of years as these organizations try to keep themselves viable financially.

Commissioner McCown asked what they base their hope on that the long term funding would turn around as opposed to the short term. Michael stated the fact that current leadership in our government did not cut them, that there was enough energy somehow to keep them from being cut when everyone else was cut.

They are currently working with legislators and communities regarding funding for mental health services. Michael left material with Mildred in regards to their Annual Report from last year.

Commissioner McCown made a motion to go into Board of Health, seconded by Commissioner Stowe.

BOARD OF HEALTH

Mary Meisner introduced Wanda Berryman as director of Healthy Beginnings who just started today. They are going through orientation. Mary stated that the program is in good shape and she is looking for a smooth transition.

Mary reported that Healthy Beginnings has received \$5,000 from United Way. They will also receive \$1,250 each quarter. This is down from last year, but she thinks the amount they had to spread between the agencies was down as well. Mary said that today they received \$3,000 from the City of Glenwood Springs. She gave a brief program update on several items. In regards to immunizations, last week was Immunization Week. They brought in a national speaker, Sharon Humiston from CDC who presented a program to approximately 100 nurses and doctors who work in the field of immunizations. Mary presented a book that Sharon had written. The seminar was a collaborative effort between Valley View Hospital, Public Health and the Murk Lab rep. She added that no County dollars or donations were used. Another positive note is that the travel immunizations continue to increase, so people are once again traveling, which is a good sign for the economy.

She reported that the WIC caseload now stands at 1,060. She said that staff has been putting together nutritional articles that will appear in the Hispanic newspaper this month. In regards to the special needs program, there was a cardiac clinic last week that was at capacity. The TB grant from Colorado Cares is in. They received \$60,207, which is a line item that has been put into the budget for this. A survey is being put together. At this time, there are 60 clients with latent TB, which the County is following and monitoring with drug therapy. There is one active case, which they are spending a great deal of case management time on. On EPSDT, the outreach worker continues to monitor an increasing caseload. Mary reported on news this morning of their move to the Mountain View Building, which is now in the planning stages. She expressed her appreciation to all of the staff involved, also to Randy Withee, Dale Hancock and Chuck Brenner for their involvement in this process.

Commissioner McCown stated that he saw the Miles for Smiles van in Rifle. Mary stated that it will move to Edwards soon. The participation has been excellent. It is now under the leadership of Catholic Charities. They are in a planning stage of looking at a fixed clinic to serve adults and children. They need seems to be more for adults. They are looking at the Rifle and Silt areas because of rental prices.

Commissioner Stowe asked if this clinic would be open to the general public to certain income levels only. Mary stated that it would be mainly for low-income families, the elderly and the uninsured. The CHC Plus program has expanded and does include dental which has helped with some of the needs of the children.

The Community Health Center received a grant and has hired two new outreach workers or intake workers to help boost the number of children that we have enrolled in CHC Plus. Garfield County has about 40%, so we could take more children. The problem is that Garfield County has not had the providers who would take the children. Commissioner McCown asked if the Miles for Smiles van would go away once this fixed site is established. Mary stated that it would have to be looked at, as there are so many places that need the van. Mary said there has been talk about scholarships or voucher programs to help move people up and down the valley.

Jesse Smith asked what happened in Senate last week on the proposed budget cuts. Mary stated that one of the things they did was take a proactive stance where they wrote Gregg Rippey and Senator Taylor expressing concern on how this might impact mental health. She has networked with State Health, the Office of Liaison, to see how they wanted us to approach this. Their recommendation was to keep it global. She said that the JBC has made some recommendations as to budget cuts in public health and a number of different areas. They have not acted on their recommendations. She said the two theories are 1) that you are proactive – you get out there and let your legislators know your concerns, and 2) don't overreact – we don't want them scrutinizing the State Public Health budget. She looks at their website daily to check updates on decisions. She said that as of Friday, nothing had been decided and, at this point, the cuts they were proposing were so broad and global that it seemed they were stepping backwards. One thing they were trying to cut was the Vaccine for Children Program. Mary said she had a big concern for the unfunded mandates. Because of some of the cuts they were proposing, the County would lose federal dollars that normally come our direction under the immunization program. She will keep the Commissioners and Ed posted as this process is just beginning. Mary said that Chairman Martin was going to talk to Gregg Rippey, but she did not know the outcome. She said they did talk to Gregg Rippey and he was unaware that there were even any bills regarding public health that would be coming up. She said it was part of the Long Bill, which is the funding bill. Commissioner McCown stated that the JBC has been

given a very undaunted task. She expects we will get some cuts probably across the board, not from JBC influence. Commissioner McCown stated that there would be very few departments, entities, and services that will not receive cuts and definitely will not receive any additional funding. He also sees the hiring freeze to remain in place. They need to find approximately \$9 million by May 8. Mary said that one of the proposals that they do not want to go to now is looking at some of the tobacco settlement dollars. Commissioner McCown asked if we are seeing a change in how the tobacco dollars are being spent, are they still primarily being spent on studies and education. Mary stated that they are not. In Garfield County, they are actually going to fund some preventative programs through mini grants. This year will be structured differently, as it will not be coming through Garfield County's line item. Mary said the State would contact the service provider directly rather than Garfield County having to be the middleman. Hopefully, this will save Garfield County some overhead and make the program more efficient. Mary said they would still be reporting to the Commissioners with updates, and she will still be a part of the tobacco coalition. She added that our County has decided to go for mini grants so that Yampa School, Colorado West or whoever would like, can apply for grant money for some prevention programs. Mary said the accountability in getting these funds is very extreme.

Commissioner McCown moved to come out of Public Health, seconded by Commissioner Stowe.

BOARD OF SOCIAL SERVICES:

CONSIDERATION/APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH STATE OF COLORADO RE: COLORADO WORKS PROGRAM AND COLORADO CHILD CARE ASSISTANCE PROGRAM

Don DeFord discussed the Memorandum of Understanding with the State Department of Human Services. The base document we now have, which is the Agreement itself, is in the same form that was previously executed and approved. Kathryn Schroeder helped put this together. The work plan has been removed from the core plan, as it has already been submitted to the State and is not a part of the Memorandum of Understanding. Don stated that this is our agreement with the State that we will provide TANF services. Don asked for authorization of the Chair and approval. Commissioner McCown made a motion for the Chair be authorized to sign the Memorandum of Understanding with the State of Colorado Department of Human Services, seconded by Commissioner Stowe. Motion carried.

Lynne Renick stated that the court services and JV foster care independent living claim for Garfield County, but also in terms of a mental health contract and substance abuse contract, it reflects a nine-county plan. Lynne stated that this is for the fiscal year that starts on June 1. She stated that it is almost identical to last year's plan, speaking of flat funding; it was the same level of funding as last year. There are very few changes. She hopes to get this to the State by April 30 with signatures of the coalition that acts as the placement alternatives commission approved this on April 4. She stated the 80/20 funding breakdown mostly includes the services that are provided internally in DSS, totaling \$136,438. She added that 100%, which is contracted services for mainly the special economic assistance, life skills, day treatment, intensive family therapy, and also from the nine-county mental health and substance abuse totals \$426,000 in excess. The proposal plan being talked about today is just under \$563,000. Lynn is asking for approval from the Board of County Commissioners for the plan itself, and then prior to June 1, she will bring back contracts for the direct per person service contracts in excess of \$10,000 and also a Memorandum of Understanding with Colorado West. Don asked if the start date was actually July 1 or June 1. Lynne stated that it is actually June 1, then CHAFFEE, foster care, independent living program, which she didn't specify, is \$13,716 and has an October 1 fiscal year and it is also included in this plan. Margaret stated that the core services have moved to June 1, but those services are paid for in July. Commissioner McCown asked if this has been reviewed by legal. Don responded that the Plan has not been reviewed, just the contract. Margaret stated that it is a program plan with a maximum on the dollars being asked for, and there will be contracts for some part of it. Commissioner McCown added that the contract would be drawn up in accordance with the Plan, so we have to look at the contract before agreeing to the Plan. Don asked about the time limit. Lynne said she needs to get it to the State by April 30.

Commissioner McCown moved to authorize the Chair to sign core contract for services agreement upon the review and approval of the County's legal staff that it does meet our needs, seconded by Commissioner Stowe. Motion carried.

Commissioner McCown made a motion to go into Social Services, seconded by Commissioner Stowe.

CONSIDERATION/APPROVAL OF IGA FOR THE PURCHASE OF SERVICES THROUGH THE ROARING FORK SCHOOL DISTRICT RE-1 FOR BENEFIT OF THE ROARING FORK FAMILY RESOURCE CENTER

Don stated that this Purchase of Services originally came as a contract with the Roaring Fork Family Resource Center from the RE-1 School District. It has been substantially redrafted. Don stated that this Family Resource Center is actually a part of the school district, and so the agreement itself is with the school district for the benefit of the Family Resource Center. Don explained that the services that are provided are now incorporated into the agreement. The County's obligation is to pay, and that is set forth in Exhibit 1, which is a required payment of slightly under \$7,600, a one-time payment before the end of May. He had discussed this at some length with Janice and this comports with what she wishes. He would like authorization for the Chair to sign the IGA for services purchased from the Roaring Fork School District RE-1. Margaret added that Lisa has reviewed this with Janice and they came up with the amount. They met with Carolyn Harden, so it has received full review of all of the appropriate staff. Commissioner McCown asked if we have a similar agreement with RE-2. Margaret stated we do not because they do not have the same type of program. Commissioner McCown asked what services the needs for that end of the valley. Margaret stated that there was nothing. Commissioner McCown asked whether this service is provided to these 217 children for \$7,000. Margaret explained that it is a case management that links the children with a variety of services, including medical care, linking families with programs and opportunities for information, a lot of the children served are from Latino families where the children are American citizens and the parents may not be. It is basically a combination of in-school health clinic/social worker. This has been expanded for the last three years in RE-1, which is taking some significant pressure off the school system on some of the complicated problems. Commissioner McCown said it appears that this is also a kind of recruitment service where someone in the school system tells the people where they are able to go to get assistance to have their needs fulfilled. Margaret stated that she would like to see kids taken care before they quit the Child Welfare Program, before they reach their teens. It helps to get the children started in the right step for cost avoidance in the end. Commissioner McCown made a motion authorizing the Chair to sign the Intergovernmental Agreement for the purchase of services through the Roaring Fork School District RE-1 for the benefit of the Roaring Fork Family Resource Center in an amount not to exceed \$7,595, seconded by Commissioner Stowe. Motion carried.

CONSIDERATION/APPROVAL OF IGA FOR THE PURCHASE OF ADMINISTRATIVE SERVICES IN CONNECTION WITH THE GATEWAY HOUSING PROGRAM

Don stated that the third agreement he had is an IGA with the Housing Authority to purchase services for the benefit of the Department for Gateway Participants for housing assistance. The obligations of the Housing Authority are set forth in I. The obligations of the County are primarily set forth in Exhibit 1, which is a breakdown of the payment. The total amount for payment is \$150,000 broken down into administrative costs and direct assistance. Margaret stated that the likelihood of actually hitting the \$150,000 ceiling is almost nil. Commissioner McCown asked how the priority system works. Margaret stated that the Housing Authority establishes a priority for Section 8 Housing. They set guidelines as to who gets what type of priority. She believes there may be certain federal strings attached to the guidelines, but she is not sure. She said that domestic violence and other protective groups are given special priority. This particular contract says if the Section 8 lists are full for housing, and we have a client that needs housing; the Housing Authority will pay for their housing as if they were on Section 8. The monies will come out of TANF until they qualify for Section 8. We would be trying to stabilize the family for them to obtain a self-sufficiency plan. Commissioner McCown asked if this "family" would preclude the working poor, does this reservation system go ahead of them as far as getting housing. Margaret stated no that would not be the case.

Commissioner McCown made a motion to approve the IGA for the purchase of administrative services in connection with the Gateway Housing Program with the Garfield County Housing Authority, seconded by Commissioner Stowe. Motion carried.

Margaret asked for any questions on the short agenda and reports that were sent in last week.

Commissioner McCown stated that they are pleased with the child placement and maintaining the nice low, stable level. Margaret stated that they wish the per capita cost of children was still what it was last year. She stated that because Mental Health is not willing to cooperate, the County has to come up with an additional \$70 per day. Margaret believes it boils down to money issues with Mental Health, as it would be \$2,100 per month that they are not able to pay. They get a certain amount of money per child in that particular type of caseload, and this would use up a lot of that money. These kids would have to be taken out of that part of the Medicaid program. Margaret stated that the good news is the child was placed in a Cleo Wallace Residential Treatment Center facility. This facility is a dual diagnosis (DD) mental health facility or wing that is connected with the Residential Treatment Center portion of Cleo Wallace. They

have actually expanded a second program, but there is a limited amount of beds. We now have two youth in that specific program. Mental Health has come to the table and is paying temporarily, but they will monitor it. They refuse to pay for the other youth who is out-of-state and did not meet the criteria for this particular program. Commissioner McCown asked whether Mental Health denies mental retardation. Margaret answered right, from their perspective and rightly, so, mental retardation is the responsibility of the Division of Developmental Disabilities. She stated that many people are mentally retarded and also have mental health issues. Margaret stated that this is a complicated issue and the biggest problem with these kids boils down to money. She stated that some diagnoses get turned around for the financial issue. Commissioner McCown asked if Garfield County is paying \$70 per day in addition to the cost that Mental Health is paying, what are they paying? Margaret stated that Mental Health is not paying anything. Lynn Renick stated that Garfield County is paying through the CHIRP Program, which is a Medicaid waiver. She believes it is around \$146 per day, and on top of that is a room and board cost of approximately \$545, which is basically the social security for a child. The facility receives the \$146, the \$545 that is a representative payee from the Social Security Administration, then the \$70 additional per day, which is the mental health portion that Garfield County picks up in the 80/20 out-of-home costs. Don stated that Garfield County is looking at roughly \$80,000 per year. Lynn stated that Medicaid pays a big chunk of this. Margaret stated that Medicaid pays for all the medical services that are related to DD, not the mental health. She said that we have a lot of children who are not developmentally disabled who are in what are called residential treatment facilities. Those facilities also have Medicaid funding. Those children were carved out of the managed care system for mental health, so that goes fairly smoothly where there is no "systems" conflict over placement of a child. Margaret stated that she does not know all the history of the CHIRP placements of the dual diagnosis kids. They have gotten caught in a financial bind in the way the program is set up, which pushes the mental health system to say no. Margaret says it makes more sense to say yes to the \$70 per day, which the County will still end up spending no more than we are spending out-of-state, and at least have the child in the right placement in-state, spending our money in-state. Carolyn Dahlgren asked what the possibilities are of some reimbursement from special education since they are supposed to be providing a "free public education." Lynn stated that in this particular case, in a conversation with the RE-2 Superintendent, they are awaiting the bills to come through for that, and the other breakdown is separate. Carolyn stated that there are actually four pots of money. Margaret stated that this particular child has an IQ of about 65; he can read and can do a lot of different things thanks to his adoptive parents. His primary problem is that in his formative years was that he was raised in an extremely abusive and neglectful household. All rights were terminated in this case. He is suffering from post-traumatic stress system and so is his twin sister. He is rated as Fragile X and is mildly mentally retarded where his sister is not. Margaret stated that this is a clear case of mental health being the primary issue, but the most important thing is to treat the child and hopefully get him back to his loving family, without him being a danger to his family. Jesse Smith stated that there was an indication that the County has brought one child back from out-of-state, and whether there are still two out-of-state. Margaret and Lynn both stated that there are three children still out-of-state. Margaret said that this would number five that was just added. He has been in a State hospital also at Fort Morgan at least three times in the last year. Commissioner McCown asked if Pitkin and Eagle counties have any in and out-of-state care. Margaret stated they do not as their caseloads are not big enough. They possibly could, but proportionately they do not have the caseloads. Margaret is working with a group that is putting together a request for proposals to look at whether there are entities that can provide more beds to handle the various difficult-to-place children, including the one that was just mentioned. There has been one meeting and another one is scheduled at the end of the month. She said that one of the things Michael stated earlier was that Colorado is one of lowest paid in residential care. Margaret stated that out-of-state is costing approximately \$7,000 per month. She said that property costs are a big factor in taking into account the cost of caring for these children. She stated that about 50 or more kids are placed out-of-state at this time. Lynn stated that there are a lot of complex issues to try to figure out whether or not it is appropriate to bring these children back into the state. Jesse asked if State was still covering any of the out-of-state costs. Margaret said they are still covering those costs. Carolyn said hearings have been done with the State and everything is in order regarding the funding. Margaret stated that the County will have a little less money for TANF this year, but not as little as we might have. Commissioner McCown asked if the bid would be due prior to the May 6 meeting. Margaret stated that it possibly would be and sincerely recommended that it be bid for the exact amount. Commissioner McCown confirmed that the County would ask for the \$1,422,551. Margaret stated that was

the correct amount, and it may go down a bit after all the calculations are done, but we should not ask for more than that amount.

Commissioner McCown made a motion for the authorization of the Chair to sign the bid form for \$1,422,551, should it have to be submitted before May 6, 2002, seconded by Commissioner Stowe. Motion carried.

Carolyn explained that she had looked at the State-licensing contract and there is no "out" for the County. Commissioner Stowe asked for the deadline date. Margaret stated that it is the first part of May, but we can extend the existing contract with letters of intent. It makes a monumental paperwork nightmare for State and for us, but if we have to extend it we will. She stated that the second supplemental in the JBC to this year's Long Bill or the Long Bill for next year, basically we are hearing "flat" funding. She stated that it does not look the second supplemental is going to affect County Social Services. The Long Bill probably will see some increases overall for Social Services/Human Services, but "flat" would not be an accurate statement. She said the problem is that the increases are going to be in childcare and child welfare, as they are already under funded. We are one of the few counties in the State that are okay in these areas of assistance. She said that child welfare is also under funded, and that some, not all of the big ten counties are eating 100% of their county funds for child assistance programs. Margaret stated that there has been reasonable teamwork between all 64 counties in trying to divide a pot that is already too small. She said it would continue to be a tough time, not necessarily for us, but statewide. Commissioner McCown said the question is even bigger than that as related to the drought. A series of four to five dry years are going to kill us, not just one bad year. Margaret stated that she had talked to a person with the State Medicaid and they thought things might start to swing the other way in another 18 months.

Commissioner McCown moved to come out of Board of Social Services, seconded by Commissioner Stowe. Motion carried.

Jesse explained an issue on the possibility of a need for a policy concerning employee clients. He stated that this issue had been deferred so that Margaret and Joy would be able to participate in the discussion. He informed Margaret that she and Joy would need to be in Executive Session regarding this matter on May 6. Margaret asked that Lisa also be in that meeting. Jesse stated that it would probably be around 8:30-9:00 A.M.

Margaret informed the Board that Rifle would no longer have recycling services at City Market. She will notify Sylvia and Tom as the Landfill could be anticipating greater activity.

ADJOURN

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn. Motion carried. The meeting was adjourned at 2:40 P.M.

Attest:

Chairman of the Board

APRIL 25, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Garfield County Board of Commissioners met on April 25, 2002 at 2:00 PM with Chairman John Martin and Commissioner Walt Stowe present and Commissioner Larry McCown present via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren, and County Clerk & Recorder Mildred Alsdorf.

Others present: Wendy Mead and Marvin Stevens from Road and Bridge, County Assistant Engineer Jeff Nelson, Greg Boecker and Tim Thulson.

Easement to Holy Cross

Don DeFord informed the Board that in checking the record on the easement to Holy Cross, there were two discussions of it, but final authority was never given to the Chair to sign the easement of the Cattle Creek Property transferred for the benefit of Elk Springs, LLC. At the same time, we will receive the original of an easement granted to Holy Cross, which we may record that would then give us the right to utilize LLC Springs Property for placement of necessary electric facilities.

Carolyn mentioned there was a third document as well, which is the BOCC grant of an easement to Holy Cross Electric, which will then allow full power to our Cattle Creek Site. What we have is a document called a non-exclusive utility easement agreement and what we are granting to Elk Springs is the right to put water and sewer pipes, etc. in a 20-foot easement of the north end of that site. The BOCC continues to have the right to grant a similar easement in the same place to other entities in the future. That document recites that consideration for our grant of this easement to the LLC is their giving us the easement across their property to allow Holy Cross to come onto our property. The third document is a document, which allows Holy Cross to be on our property.

Tim Thulson stated at the same time they will transfer this easement to Holy Cross but are giving the County the document to record.

Don asked what documents need to be signed by the Chair.

Carolyn said the non-exclusive utility easement agreement and the Holy Cross Energy document. Carolyn assured the Board that she has reviewed these documents.

Don DeFord requested a motion authorizing the Chair to sign the documents as requested by Carolyn Dahlgren.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

TANF Service Bid (Colorado Works)

Don stated this is a request to tender the bid for TANF services to the State of Colorado – this was originally discussed at the last Board meeting on April 15, 2002. It has come to the County Attorney’s office attention that this needs to be tendered to the State before the end of April 2002. It was not included on the Agenda and therefore, Don requested a motion to authorize the Chair to sign the Bid Document and if deemed necessary to ratify the action at a regular Board meeting. The amount is \$1,420,374.00 and follows the formula set down by the statute and the process of bidding the Board has gone through in cooperation with CCI and the State of Colorado Social Services.

Commissioner Stowe made a motion to authorize the Chair be authorized to sign the Colorado Works allocation committee bid in the amount of \$1,420,374.00. Commissioner McCown seconded; motion carried.

Fuel Moisture Readings – Fire Ban Discussion

Don stated that it has come to our attention just within the last one hour that the Governor has tendered some requests concerning fire restrictions and in any event, this is normally the time of year we begin discussion on imposing a fire ban.

Guy Meyer and Jim Sears gave the fuel moisture count saying it is down between 10 – 11 County-wide. The Governor issued a proclamation requesting the Counties implement a fire ban at this time because of the critical nature of the present drought. Guy suggested there could be an emergency meeting called. Guy said he pooled the fire departments this morning and all are in favor of going in that direction.

Jim Sears had probably had twenty-five out-of-control burns last week.

The Board discussed this and decided to monitor the fuel moisture and place a Fire Ban Discussion and Implementation on the Agenda for May 6, 2002.

Airport Manager

Ed Green mentioned they had hired a new Airport Manager, Brian Condie from Salt Lake City and he will be here May 6, 2002.

Adjourn

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

Attest:

Chairman of the Board

MAY 6, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Garfield County Board of Commissioners met on May 6, 2002 at 8:00 AM with Chairman John Martin, Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord and County Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER UPDATE: ED GREEN

- ***Employee of the Month – Opal Hickman (Clerk & Recorder's Office)***

Mildred Alsdorf said that Opal came to work in the Clerk and Recorder's office and was working in the Recording. About the time she started our Recording Clerk quit and Opal became the Recording Clerk and as a result she has done a very good job ever since. She has done well with training of the other people in the department and it is a pleasure to have her as an employee. Chairman Martin said congratulations and she has the undying enthusiasm down in the office as well, willing to help in any way that she can.

EXECUTIVE SESSION – On-Going Litigation Concerning TIF and the City of Glenwood Springs

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

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

Action: Don requested a motion from the Board authorizing Dr. Heelan to act on behalf of the County in resolving the litigation with the City, which was originally brought by CMC within the limitations of the confidential discussions that have been undertaken.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

Chairman Martin stated we would send a letter to Dr. Heelan asking her to do that and informing the City of Glenwood Springs through a letter that she will be acting as our agent in this matter.

- ***PILT – Sign State of Colorado Parks and Recreation – Shannon Hurst***

Shannon Hurst said when she did this, it's only \$93.43; she had to go through documents and compile the figures and mentioned it will cost more to process this probably. It is ready to be signed. Chairman Martin in lieu of taxes the State of Colorado Parks and Recreation and that is on the land that is operated by the State of Colorado. Shannon said yes, we have to value it as agricultural land for PILT. It is 213.23 acres and this is in the Rifle and Silt areas, Harvey Gap.

Commissioner McCown made a motion that we do not pursue the PILT from Colorado Parks and Recreation this year. Commissioner Stowe seconded; motion carried.

- ***Award Bid to Berthod Motors for John Deere Tractor – Tom Russell***

Tim Arnett and Tom Russell submitted the recommended award for a total of \$59,192.00 for the John Deere Tractor with a Diamond Boom Mower.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase of \$59,192.00 for the John Deere Tractor with Berthod Motors as presented; motion carried.

- ***Award Contract to United Rentals Highway Tec. For striping various County Roads – Tom Russell***

Tim Arnett and Tom Russell presented the recommended award to United Rentals Highway Technologies, Inc. out of Billings, MT for \$32,404.00.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to United Rentals Highway Technologies for striping County Roads in the amount of \$32,404.00; motion carried.

- ***Discussion Oil and Gas Lease Petrogulf Corporation Area)***

Mark Bean - This oil and gas lease is located in part of Section 20, Township 6 South, Range 93 West, in Garfield County. A letter was submitted by John A. McKnight, Consulting Landman for Petrogulf Corporation with a copy of the lease that reflects the terms of paying \$100.00 per net acre and giving a 12.50% royalty on a five year lease. The records indicate that the tract of land is 1.52 acres and that Garfield County owns 100% of the mineral interest o this tract of land.

Chairman Martin – Presented his views on why the Board should not agree to this proposal.

Commissioner McCown – Mentioned the royalties would be 12.5% if they developed this land. It can also be accessed by Taughenbaugh Mesa as well.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to disallow the request by Petrogulf Corporation Area; motion carried.

Commons Area – Courthouse/City

Randy Withee submitted the revised cost estimate as of May 1, 2002 for the Commons Area. In the initial estimate, there was a calculation error so actually the original estimate should have been was \$427,000 versus about \$405,000. Now the revised estimate is down to \$297,000 so it shows a delta of \$129,541. Then if you add the initial A & E fees, which were not part of the initial estimate, that's \$44,132.00 so now the total for whole project is \$341,968. Randy said they looked through the estimate comparison and the main ones that were dropped include: the concrete, electrical, landscaping and the rest remain almost virtually the same. The readjustment on the design was everything from the flagpole to the north, took all that concrete out. All the trees are gone except for the trees in the front part. Reviewing the drawing, it follows the County's direction was on what to remove and what to put in. The contingency item discussed a few months ago review was that this was not added back in; Randy made a call to a sub-contractor to verify his numbers and they matched. Therefore, Randy said he feels confident that the \$25,000 they had for the contingency was not added. In addition, to make note on here for the Commissioner's purposes, they had a revised A & E dollar amount for \$6,800 for the additional design. There is still some question on that; he did not get numbers until Friday.

Ed if you are going to talk about whether it's reasonable or not, 14% for design services on a landscaping project seems high to me. Commissioner McCown said plus an additional \$6,895.

Randy remarked that it varies, they had their architect landscaping, civil engineer plus electrical engineer, and so the \$4400 might have been reasonable but didn't know about the \$6895 for the revised.

Commissioner Stowe asked what about the City building that was encroaching into the Courtyard, did they pull that back. Randy said they pulled back to what was in their original plan. He said his recommendation would be that we accept a not to exceed that amount of one-half and the County still talk to them regarding the A & E. Ed said we would have to send them a check for roughly \$421,000, \$250,000 two-hundred fifty that we collected from them and is going back plus one-half of the \$343 which is the \$171,000.

Commissioner Stowe said we are still saving the County \$70,000 as well as the City. Randy said it would be saving the county more than that with the corrections. Ed said seventy-nine. Chairman Martin said we need to get this going. Commissioner McCown stated, they are working on it right now, it must have been approved. Randy said the City is going ahead while they're waiting. I don't know if they awarded it, basically they're doing their work now and obviously before the County approval.

Commissioner Stowe made a motion and seconded by Commissioner McCown to approve the Garfield County/Glenwood Springs contract for the Civic Plaza Contract in an amount not to exceed a total of \$341,961, 50% of which will be born by the County and that the check be issued to refund their initial \$250,000 plus our 50% portion. Motion carried.

▪ ***Letter from City of Glenwood Springs – Negotiations on the Alternate Route***

Ed mentioned that he had received a letter from the City of Glenwood Springs stating they had reached negotiation objectives on the alternate route. Randy Withee has that to present to the Board. Randy Withee said the history of this is the engineering service for the alternate route to Highway 82 on Midland Avenue. Previously there was an RFP and 13 firms turned a proposal in. The selection committee consisting of City, County and C-DOT personnel reviewed and they are open to four firms from the 13 proposals. Interviews were held with the final selection for further negotiations with DMGM based out of Denver. The basic scope of services were shown for the Design Phase; and Phase A is the project coordination and continued requirements which is overall the project management, meetings and such; and Phase B is the preliminary design against to get started which will give us 30% plans. Phase C is the continuation on those plans to give us a 90% plan and that's where we will stop. The City of Glenwood Springs has been in negotiations with DMGM over the last several months. The County and C-DOT participated in the first several generations of the negotiations. They are still a higher number than what the County was going to participate in, the City staff had approached the City Council to pay the dollar amount that was over the \$250,000 commitment to see if they would direct staff to proceed with DMGM. The City Council said no, the need is to get down to where both the City and County agreed. They went back to the table to try to continue to bring it down. We had in the proposal to take it to bids – he was 100% so what we have now is a 90% design. If we continue to proceed with the project in the near future, then we will have to pay those dollars later on. Randy called attention to the attached sheet in the handout saying it was the breakdown between what the owner cost (City and County) and then the C-DOT costs.

Discussion was continued regarding payment of the funds originally committed. Jesse asked the question if the Board wanted to submit the entire \$250,000 as a lump sum or to submit it as 50% of the bills as they come in up to a maximum of \$250,000. Chairman Martin said we were going to do that as the bills came in. A motion by made by Commissioner Stowe to approve the signing of the engineering services contract for an alternate route to Highway 82 in an amount not exceed \$249,957.50 and said funds be disbursed on an as-billed and as approved basis. Commissioner McCown seconded. Don said before they vote on this. When Randy said 90% design is complete does that also mean that it can be brought to 100% for an additional 10% of the cost so that last 10% of the design cause is 10%? Randy said no. Commissioner McCown that would be completely renegotiated and could be with another contractor. Don added that the County has no obligation to participate in that additional. Ed said that also leverages or increases dramatically the cost of the design. What we are paying for is 90% and we are not getting a complete design. Don said one of the reasons he was asking that is the IGA contemplates construction drawings not something less than that which is apparently substantially less. Randy said they would have the basic construction drawings on 90%. Commissioner McCown said that it would not be valid if that were not meeting the terms of the IGA. Commissioner Stowe asked Don if we could put something in before we release the funds to the City that this will complete our obligations of the IGA regardless whether there are construction drawings or not. As long as we tender the money with that condition and amended my motion to so reflect that condition. Commissioner McCown amended his second. Motion carried. Commissioner Stowe said he would go back and would make a motion on our first movement regarding the City Plaza that those funds be disbursed also in an as-billed and as-approved manner absent the \$250,000 refund that should be sent to the City of Glenwood in the next week. Commissioner McCown seconded. Motion carried.

- ***Carrie Podl – Social Services - Request to Travel to Seattle***

Jesse Smith submitted a request from the Department of Social Services to allow Carrie Podl to attend a seminar in Seattle that is a continuation of management training that she has been taking. Margaret confirmed the budget has allocated money for this travel and the cost is within the perimeters of the budget. Commissioner McCown made a motion to approve the request. Commissioner Stowe seconded and asked if this was a furtherance of her job. Yes. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Discussion and Action of Imposition of Fire Ban***

Guy Meyer presented a draft Resolution was presented to the Commissioners proposing to adopt an ordinance establishing a process for the imposition of open fire restrictions pursuant to the provisions of Ordinance No. 96-2 stating that a fire hazard exists and that the thousand hour fuel moisture content has dropped below 15% with a variety of area through the County. The fire ban would be a temporary restriction and would remain until June 5, 2002. The Commissioners have the option of reviewing the fuel moisture content at that time and making a determination as to whether to keep the fire ban in place. All Fire Districts, Sheriff Dalessandri and the Federal Agencies have been notified. Don reviewed the ordinance stating it only allows a 30-day period and asked the Board to set a time to review prior to the expiration of the Resolution.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to implementing the fire ban with a consideration on June 3, 2002 at 8:15 a.m. Don mentioned this would take place upon publication. Motion carried.

- ***Update – Airport Issues***

Dale Hancock introduced Brian Condie, new Airport Manager to the Board. Brian was the Airport Manager in Cashe County in Salt Lake City.

Dale mentioned he did a walk through after he was interviewed so he is aware of the various functions at the Airport.

Report on Potential Zoning Violation at Airport

Carolyn noted an agenda item for direction for staff on the control of County property and that has not been taken care of informally. There was an RV parked on our Airport and someone was living it; that recreationally vehicle has been moved by way of Dale having discussions with the person who holds the lease on the property where the RV was parked.

Therefore, there is zoning violation and no violation of our Airport Rules and Regulations right now.

Raytheon Contract

Carolyn said that Chairman Martin has already been authorized to sign the *Raytheon Contract* on April 15, 2002 to Washington Infrastructure and she completed her review and it is ready to be signed and mailed. That is for engineering services for the Airport.

Terminal Building Design Contract

Carolyn had also been requested to review the Terminal Building Design Contract that had been awarded to Phil Vaughan and this is complete and drafted some language to send back to Mr. Vaughan. There does not appear to be any problem with the language with this being only a design contract. There are some questions remaining the dollar amount of the contract and Tim Arnett and she will be talking to Mr. Vaughan and will report to the Board.

Gordon Aviation – Big Box and T-Hangers

Mr. Gordon who already has a contract with the County to develop some Big Box Hangers is very anxious to develop a double row of T-Hangers. Administration and Carolyn have been talking with him about the term of the contract and there are a lot of policy issues regarding private hangers versus commercial operations out at the Airport including whether both of those kinds of airport tenants will be paying the new proessory interest tax. Carolyn will be meeting with Shannon Hurst on this issue and then she will report to the Board on the findings. There is a meeting this Saturday, Mr. Gordon on his T-Hangers and also on the Big Box Hangers and Air Melinda would like to have a Big Box Hanger out at the County Airport so we will be back. On the double row of T-Hangers, Carolyn said these could be 10 – 12, \$40,000 each.

Lease Terms - Airport

Ed said the real issue the Board will need to address is whether you want to extend the lease term for 10 or 20 more years under a non-commercial lease versus our standardized lease of 40 years. Commissioner McCown said that then we would have to offer that to existing leases. Carolyn said we could make a rationale distinction between commercial and Non-Commercial. Some equity issues may be raised because of the existing leases, they are commercial enterprise, and there are no private leases.

Discretionary Aviation Grant for the Seal coat Project

Dale submitted a copy of the *Discretionary Aviation Grant for the Seal coat Project* which is about a \$60,000 and would like to have Carolyn to review this to make sure it is applicable legally and authorize the Chairman to sign that upon legal review of that grant.

Commissioner McCown so moved. Commissioner Stowe seconded; motion carried.

- ***Update – Taughenbaugh Land Purchase: Road Extension***

Carolyn Dahlgren – The sellers have not yet delivered a partial release of deed. Monday, May 20 of this month. Updates will be forthcoming. Carolyn mentioned there is a mortgage attached to the property.

- ***Update – Child Care: State Licensing Contract and IGA's***

Carolyn Dahlgren and Margaret Long presented.

Margaret said this is appropriated by the number of homes per County. We can get a 30-day out clause, signed at the State rather than going to ---if we opt out of the other counties participating.

Chairman Martin said that was currently homes licensed in Garfield County. The IGA presented originally has the other counties looking closely at the proposed contract.

Eagle is looking at the IGA once again.

Margaret suggested dissolving the entire issue or redesigning the scope where 2 – 3 counties would be included - Eagle and Pitkin. Summit and Lake may want to do their own licensing. Summit licensing is somewhat higher due to their personnel. If everyone doesn't join in the IGA, Lake County would be eliminated all together.

- ***Child Care State Licensing - IGA***

Margaret Long gave an update of the contract.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Contract with the condition as mentioned upon the finalization of the document by Assistant County Attorney Carolyn Dahlgren. Motion carried.

- ***Discussion of Proposed Ordinance Establishing Basis for Consent to use Garfield County Jail***

Sheriff Tom Dalessandri, Deputy Sheriff Jim Sears, City of Glenwood Springs Police Department Chief – Terry Wilson and Police Chief Paul Taylor from Silt were present.

Don presented the draft Ordinance establishing the basis for consent to use the Garfield County Jail for housing municipal prisoners, establishing the restriction of juveniles under age eighteen years of age, violation of penalties and the effective date as being upon adoption by the Board of County Commissioners.

The Ordinance will have the first reading on June 3, 2002, and then back to the BOCC for final process.

Sheriff Dalessandri submitted a letter he had written to the Commissioners including a reconsideration of no fee for sentenced plus \$15.00 for prisoner costs.

The Police Chiefs voiced that the municipalities are part of the County and work the District Courts. The bottom line is to accommodate the needs of the municipalities and the Chiefs will work with the Sheriff as well on issues of medical costs, and overcrowding. Current counts have been down over the past several months. Establishing a reasonable cap on the number of municipality prisoners. Paul mentioned that Terry Wilson sent Tom a letter that expressed concerns; all of the Police Chiefs agreed. Their contention was that all of the prisoners live within Garfield County plus the municipality. The cost was originally set at \$62 per day. This was totally unacceptable; however the cost should be minimal because all residents of the municipalities are residents of the County and 163 warrants active in Silt. If picked up in Glenwood or Carbondale – bonding out would not be done by Silt. Therefore, the \$15.00 per municipality would be acceptable.

IGA

Ed said Incremental incident cost is \$15; the remainder of the \$62 is for the cost of the facility.

Tom Dalessandri – There are a couple of issues to consider: 1) we have initiated a prisoner daily cost of care program that's been up and running for about two years. That was non-existent prior to two years ago and up-to-date now this year we have collected about \$100,000 from prisoners. I think that's pretty notable and once again, it's money that goes to off-set our entire cost of operation. So there's a benefit there, we fully expect with our success thus far that we would be able to continue to collect that \$15.00 a day from Municipal prisoners as well as continuing to collect it from the other prisoners we have in the facility. The reason I said no charge to the sentenced prisoners is because; the only prisoners we can collect cost of care from are those who are sentenced. And so, if the Municipal Court orders sentencing, then we can go ahead and charge them that \$15.00 a day. Opposite that, we cannot charge those who are not sentenced and so the Municipalities would take up that \$15.00 a day in that sense. It's not \$62.00 but at the same time I think as Paul says, we have an obligation to the communities as taxpayers to this county and as part of this county to support them. I know that Terry Wilson has mentioned to me that they may be forced as has Colleen Truden, maybe forced to continue to transport them to Meeker, and I don't think that's serving our folks here in our county to have to force them travel in order to get the cost down. So I think what they are charging, Terry, is \$42, no \$40.00 per Terry. Chairman Martin – plus you add in the cost of transportation and manpower, it adds up. It still may be better than the \$62.00. I know Paul has a 15-minute difference between Glenwood Springs and Meeker. Paul – that's about correct. 22 miles to Meeker. Tom – And I guess my other point of this is it may not be as significant impact, although I think it's an impact, probably to all Municipalities in retrospect in looking at this, but particularly to the small departments, this could mean the difference between Paul getting enough money to fix or replace his equipment as opposed to having to expend that money on lodging prisoners. In addition, I think that is a significant impediment on some of these smaller communities. Chairman Martin – And you feel that this \$15.00 in surcharge in reference to doing the bond and what have you, is a benefit to your staff – it isn't overloading your staff to do that? Tom – Well because we have that program in place now, I think it is just a continuance of it – it is extra work, but it is manageable, I have talked to our staff and they seem to think they can do that. Chairman Martin – And at least to Silt that's acceptable. Paul - That is correct for Silt, I cannot speak for the other municipalities.

Tom – and there's some other expenses, or revenues that we'd be generating as well. There not large in volume but nonetheless, it's money coming in – that's on the bonding fees we now charge which is the \$10.00 bond in and \$10.00 bond out fee – so we charge \$20.00 to the prisoner. Chairman Martin – Yeah, not to the Municipality. Tom – Yeah, to the prisoner, so that is extra dollars coming in as well.

Commissioner Stowe – One concern that was voiced before we built the jail was that obviously Rifle, Carbondale, Silt, and New Castle has to transport and yet Glenwood Springs fortunately having the jail right here, their transportation costs are minimal, has there been any discussion about that amongst the police chiefs approaching that or is this pretty comfortable with this \$15.00 fee regardless of how far away from the jail you are, or is this another issue that's going to come to surface, has it even been put on the table. Paul – in my discussions with all of the chiefs, we transport our own prisoners and we have forever. We're still willing to do that. The only chief who has not responded to it has been Dave Higuera in Parachute, and I have left several messages, I haven't received anything back. Everybody else is comfortable with this, the way it was proposed. Tom – and no speaking for Dave, cause I haven't talked to him either specifically, but I know that historically they have not had the impact nor the need to the extent that it would be a huge issue for them, so I think in those rare occasions that they would need to transport a

prisoner, I don't think they would have a problem with it. Chairman Martin – I think that it's going to be a reasonable cost, \$15.00, I don't see a problem there – it won't break the bank and it won't really hurt us on incremental costs and still be able to house them and also at least feed them. Prisoners average stay, overnight, a day usually – one day before they are seeing a Magistrate. Okay. Commissioner Stowe – What sort of cap was discussed, you mentioned a cap. Tom – we are looking at about 20 prisoners at any given time through all the municipalities and I think that is reasonable, we will evaluate it as it progresses and see what kind of problems that may create for them, but I think we can handle 20 initially without much difficulties. And again, a lot of that is just processing, a good number of those 20 are going, actually shouldn't even be counted in the 20 because they are going to be coming in and going back out, so they will be held in the booking area and then released a short time later. Chairman Martin – We are faced with our Ordinance that Mr. DeFord just brought out and we can go ahead without the tweaking necessary on Municipalities or we can send it to the Municipalities and delay it for another 7 days before we enact it. Commissioner McCown – we have to implement the Ordinance and then the IGA's take place between those three different entities. Don – we can go ahead with the IGA's in the interim. There's no reason to wait. And I actually anticipated that this had been disseminated to Municipalities earlier by the Sheriff. Chairman Martin – so if we wish to go ahead and adopt this, we may, or we can go ahead and send it out to each Municipality for their input within the next 7 days when they come back we can act on it. Commissioner McCown – having read this ordinance, all I see in here is boilerplate allowing this IGA to go forward – that's exactly what it is. Don –because of the way it was structured. Commissioner McCown – there is no smoking mirrors in the ordinance. Don – concerning the discussion we are just having, it requires that a daily cost of care be established by agreement between the Sheriff and the Board of Commissioners. But that daily cost of care can take any form you agree on, so I don't see that as an impediment. Don - The Ordinance will only take one reading and one publication and then it can be adopted at the following meeting and you can make amendments to it so if there are changes that need to be made or if something comes up. I will try to get this in front of you for final passage at your first meeting in June - June 3, 2002 meeting. And I think your IGA is in final form, I have not received any indication as to any more changes.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Ordinance establishing the basis for consent to use the Garfield County Jail/Detention Center and that the Chair be authorized to sign and publication move forward. Motion carried.

EXECUTIVE SESSION – *Staff Direction on Control of County Property and 2- Personnel Discussion* – CSEU

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

The following individuals were requested to remain for the session: the Commissioners, Don DeFord, Mildred Alsdorf, and Ed Green, for Social Services Personnel – Margaret Long, Lynn Renick, Catalina Cruz, Joy Davis, Lorraine McCoy, and Lisa Pavlisick.

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

COMMISSIONER REPORT

Commissioner Stowe – Healthy Beginnings Board Meeting on Tuesday, Noon May 7; Reudi Water and Power Authority, Wednesday, May 8, 5:00 p.m.; breakfast with the City 7:00 a.m. May 14, 2002.

Commissioner McCown – Emergency Preparedness Group Meeting – May 3 and a follow up meeting is scheduled but he will be on vacation. Republican Assembly is Saturday, May 11th. Next week – Associated Government - Coal Conference Friday, May 17 and Governor will be in Rifle Tuesday, May 21, at 8:30 a.m. for breakfast – more details to follow. In addition, Delta County wants an oil and gas tour meeting on May 22nd put together by Tim Sarmo.

Chairman Martin – Meeting on May 8th from 4 – 7 p.m. CDOT and Carbondale at their Town Hall in reference to the entrance to Carbondale from Hwy. 82 2-miles south of Hwy. 133 as to what the citizens want, i.e. would a roundabout solve the problem. Bike Rodeo on Saturday, May 11 in Glenwood Springs, Silt is on Saturday, May 18th. Discussion meeting with the Daughters of the Revolution at Bob Delaney's on May 11 at 1:30 p.m.; Rifle Rendezvous May 18th. Department of Local Affairs budget review process, etc. in Vail, May 16 and 17 at the Evergreen Lodge. Jesse will attend.

Ed Green – gone at least 3 days next week.

CONSENT AGENDA

- a. Approve Bills

- b. Renewal of Liquor License – Thunder River Market
- c. Armstrong Special Use Permit
- d. Sign an Acknowledgment of Satisfaction of Subdivision Improvements Agreement for Ukele Acres Subdivision
- e. Sign an Acknowledgment of Satisfaction of Subdivision Improvements Agreement for Whitecloud Ridge Subdivision
- f. Sign Special Use Permit for Rick and Florence Broadhurst
- g. Sign Special use Permit for Ted and Marylou Martin and Julie Kuper
- h. Sign Resolution of Approval of a Conditional Use Permit for Nancy Smith
- i. Sign Resolution of Denial for Preliminary Plan on Cinderbetts, LLC.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda with the removal of Item D – Ukele Acres Subdivision; motion carried.

PUBLIC HEARINGS: ABATEMENTS

Shannon Hurst presented the following abatements:

- ***Evercom Systems Inc. – Schedule C001083***

Shannon explained that the State of Colorado Division of Property Taxation values this property. Evercom incorrectly reported its Colorado gross revenues and apportionment information to the Division for 2001. The State has recalculated the value and if the Board of County Commissioners approve, there is no need to send the abatement to the State. Georgia explained the breakout for the calculations. Shannon said the abatement is for \$9,270.78 and she recommends approval.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Abatement for Evercom, Schedule C001083 for \$9,270.78; Motion carried

- ***Brian and Jean Mandeville – Schedule R820006***

Shannon explained that the parcel was changed to residential for 2001; however the land code for the land was erroneously left on as vacant land. The abatement is for \$6,931.94 and she recommends approval.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Abatement for Brian and Jean Mandeville, Schedule R820006 for \$6,488.32; motion carried

- ***SUPPLEMENTAL BUDGET – JESSE SMITH***

Jesse supplied the proof of publication; Don determined it was timely and in order.

Jesse Smith submitted a draft Resolution concerned with the Third Amendment to the 2002 Budget and a Third Amended Appropriation of Funds. This consists totally for Personnel Costs where staff have quit and/or new hires. Most of the new hires have been in the Sheriff Department; and the increase in salaries are in the Assessor's Office which

were previously approved by the Board. Jesse explained the amendments.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Supplement Budget and authorize the Chair to sign the Resolution as presented; motion carried.

- ***Mike Alsdorf - Request to Vacate Portions of CR 116***

Don said that by way of information, Mike Alsdorf has asked the County to undertake a road vacation in the Cardiff area and the way it is described it is an existing County road. There is no legal description for the road; it is platted on the Cardiff Plat, which we have accepted in the past. Mike has had some difficulty with the City and would like to go forward with this before final annexation. Don said he would like approval to forward this to the Road and Bridge Department and not to the County Surveyor. The plat speaks for itself and he did not see any purpose having Sam look at it. However, he did think it appropriate for the Road and Bridge Department to comment and then this will come back to the Board with appropriate notice.

Continued Executive Session – Further Litigation Issues

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into a continued executive session; motion carried.

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

GLENWOOD CAVERNS SPECIAL USE PERMIT – CONSTRUCT 9,400 SQUARE FOOT BUILDING. APPLICANT: JMB PROPERTIES

GLENWOOD CAVERNS CITY REFERRAL TO REVIEW MAJOR DEVELOPMENT APPLICATION REFERRED TO THE COUNTY BY THE CITY OF GLENWOOD SPRINGS.

LOCATION: GLENWOOD CAVERNS/FAIRY CAVES. APPLICANT: GLENWOOD CAVERNS, INC. /JMB PROPERTIES, INC.

Kim Schlagel, Don DeFord, Applicant Charles Peterson, Physical Engineer for the Glenwood Tramway Company, Steve Beckley, and Michael Erion, Water Resources Engineer.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner Kim Schlagel submitted the following Exhibits: Exhibit A – Division of Wildlife dated – 4-16-02; Exhibit B – Steve Anthony dated 4-10-02; Exhibit C – Glenwood Springs Fire Department dated 4-17-02 from Ron Biggers; Exhibit D – Resource Engineering, Inc. – Michael Erion dated 4-23-02; Exhibit E – Glenwood Tramway Company, Charles Peterson 4-23-02; Exhibit F – Glenwood Springs Planning Commission Report dated 4-3-02; Exhibit G – Glenwood Tramway Company – 4-22-02 from Charles Peterson; Exhibit H – Memo from Derek Walters from High Country Engineering – 4-29-02 from Steve Beckley; Exhibit I – Resource Engineering – Michael Erion – dated 4-30-02; Exhibit J – Comments from the City of Glenwood Springs Planning Department; Exhibit K – Proof of Publication; Exhibit L – Green and White Mail Receipts; Exhibit M – Garfield County Zoning Regulations of 1978 as amended; Exhibit N – Garfield County Comprehensive Plan; Exhibit O – Letter from Dean Moffat dated April 29th; Exhibit P – Staff report and project report and Exhibit Q – Application materials

Chairman Martin entered Exhibits A - Q into the record.

Kim reviewed the application for a request for review of an amended Special Use Permit to allow for a Commercial/Recreational Facility. The location of their project is the Glenwood Fairy Caves, approximately .5 miles north of the City of Glenwood Springs on 78.83 acre parcel with road access via Transfer Trail and a proposed access by Pulse Gondola.

She reviewed the history, description of the proposal, relationship to the Comprehensive Plan; Referral/Applicant Responses; Project Information and Staff Comments; Garfield County Zoning Resolution; Suggested Findings and Recommendation:

Staff recommends Approval of the special use permit, based on the following conditions:

1. All representations of the applicant, within either the application or stated at the public hearing shall be considered conditions of approval, including but not limited to: Hours of operation will be from 8 am – 10 pm Sunday through Thursday and 8 am – 12 am Friday and Saturday.
2. The tramway towers and cabins will not be lighted. The towers will be installed via helicopter and will disturb the least amount of vegetation as possible. There shall not be any disturbance of vegetation between tower sites.
3. The visitor's center will be painted in earth tones. The tramway towers will be painted a grayish tone to reduce reflexivity.
4. Activities offered on the site will be cave tours, covered picnic area, nature trails, gemstone sluice mining, geode cutting, astronomy observatory area, and a fossil dig.
5. Passenger gondolas will be able to accommodate bikes.
6. The ultimate build out capacity for the gondola is 36 gondola cars in 12 groups of three. Each gondola car has a 6-passenger capacity.
7. The applicant shall be responsible for snow removal on 50% of the roadway width on Transfer Trail to provide for emergency access.
8. The passenger gondolas will be designed to be ADA accessible.
9. A pre-annexation agreement between the City of Glenwood Springs and the applicant is established before a Special Use Permit is issued.
10. The applicant must obtain an operator's license from the Colorado Passenger Tramway Safety Board before a Special Use Permit will be issued. The applicant must have a valid operator's license from the Colorado Tramway Safety Board throughout the life of the project. If the operator's license for the tramway is revoked by said Safety Board at any time, the Special Use Permit shall also be revoked. At any time during the life of the project the County may ask the applicant to produce proof of a Colorado Passenger Tramway Safety Board license that is in good standing.
11. The applicant shall submit a weed vegetation management plan approved by Steve Anthony, Vegetation Management Director before a Special Use Permit is issued.
12. The applicant shall adhere to the following suggestions provided for by the Division of Wildlife in Sonia Marzec's referral letter dated April 16, 2002: There shall be no outside storage of any trash or garbage anywhere within the property with the exception of bear-proof containers. Refuse kept in non bear-proof containers should be kept within secure structures that are not likely to be

- broken into by bears. Except for bird feeders, the feeding, baiting, salting, or other means of attracting wildlife to the site is prohibited. Bird feeders should be strategically placed to avoid being an enticement for bears. Tourists and other users to the site should be made aware of the local wildlife community by utilizing information provided by the Division of Wildlife.
13. The Special Use Permit will last as long as the applicant has possessor use of the access easements to the cave property.
 14. The applicant shall submit a wild land fire mitigation plan approved by the Glenwood Springs Rural Fire District before a Special Use Permit is issued.
 15. Pursuant to Section 9.03.05 of the Subdivision Regulations, the applicant shall not implement the restaurant upgrade until approval for the wastewater treatment of the facility is approved through periodic review. Prior to conducting that use, the applicant shall fulfill the public notice requirements set forth in Section 9.03.04 of the Garfield County Zoning Regulations. The Department of Health shall approve the proposed ISDS design or decline permitting authority before a Special Use Permit is issued.
 16. The applicant shall be limited to per day capacity of 1100 people. The applicant shall submit a plan as to how visitors to the center will be limited so this capacity will be met and design of the ISDS system will not be compromised. Any modification of this use, with the exception of restaurant upgrading, will require an amendment to the Special Use Permit. All conditions set forth in Resolution 99-065 shall be rescinded once a Special Use Permit is issued.

Kit submitted the following corrections and additions: Condition No.10 adding another sentence - "If the sewer system is upgraded to allow gray water to tape into the City limits, the applicant shall not be held to the limitation of 1100 people per day." Because the only reason why we came up with that number is because of the limitation of the septic system."

Condition 13. "The applicant shall provide copies of all emergency access and evacuation plans required for the Colorado Passenger Tramway Safety Board licensing to the County before a Special Use Permit will be issued." Operation plans prior to SUP issued." They will have to do that anyway and we might as well have all that information.

Condition 14 – Kim referred to the legal staff as far as what we need for access legal agreements.

Applicant input:

Chuck Peterson, P.E. – Manager of the Glenwood Tramway Company-Fairy Caves. The history of the caves goes back to 1998 when the Garfield County Commissioners granted a Special Use Permit for the operation of the cave on a limited basis. That time allowed the Beckley's to begin *commercial development of the cave*; they used unpaid volunteers to do the development. The historic section of the cave when went back to 1898 had been severally degraded from the lack of care placed by the people who developed it at that time through lack of knowledge of how delicate cave structures were. The only came after 16-years of negotiations between Peter Prebble the owner of POW and the Beckleys, so their commitment to even get the cave open was incredible. Since then the cave has been operated for 3-years, last year they brought up 38,000 visitors to the Cave using the bus system. During the summertime they have reached fundamentally the capacity of their transportation system, there are times of the day and week when perhaps they could have taken more people up there, but most of the times they are limited by their bus leaving and the restriction placed on them by BLM. The cave has grown in those three years to be now the No. 2 tourist attraction in Glenwood Springs second behind the Hot Springs Pool. It has been amazing as far as the recognition that the cave has received on a national basis. National Geographic in their Coffee Table Book, which he offered to have individuals take a look at, have devoted an entire chapter to the particular cave and the U.S. Today has ranked the Caverns one of the top 10 tour caves in the United States. This is a real test basically to the care and dedication the Beckley's have shown in the development of this Caves. The cave is one of those things you walk into the first time and your mouth drops open, and say, am I really in Glenwood Springs. It's an incredible attraction. From the beginning, the Beckley's envisioned development of the Cave it was with the understanding or at least a vision of being able to have a tramway access with the idea that because this cave is located within $\frac{3}{4}$ of a mile of the existing tourist based town like Glenwood Springs that it's a natural access to be able to get to the cave through a tramway which was a low-impact transportation system. Chuck said he became involved about two years ago as a tramway engineer when the Beckley's asked me to assist them in trying to assess some of the feasibility of alignments and since then my wife and I have become very good friends with the Beckley's and are now financial partners in this endeavor. During that time, we went through three unsuccessful attempts to find the best alignment for the tramway. The alignments were unsuccessful because of the inability to get the

landowners to commit to allowing us to go across their land. The last alignment, which is the one coming before the Commissioners today, is literally the last alignment and actually, it turned out to be the best alignment. It has slowly worked its way around to the last and the best. One of the reasons Chuck said he thought it was the best, because all of a sudden there is *parking* available at the lower terminal that can be used for the guests because right now all the guests have to park along the street basically and then walk over to the current lower terminal point which is at the Hotel Colorado. Also, it's away from any neighborhood at all, we're not passing over any homes, it's in a real isolated part of Glenwood Springs which is very hard to do because Glenwood Springs is well built out. And lastly it allowed for a more appropriate development of the base area. Steve and April Carver have joined with Glenwood Tramway in the proposed development of the lower terminal which includes a *hotel and a very large plaza area* which will be developed with fountains and flags and flowers so it will be a fitting place, it's located directly on I-70 so it will give a very good official access to the tourists coming down the road. Glenwood Caverns right now is maxed out, it's maxed out because of the transportation and because of the transportation, and it's only a 6-month operating season. So this particular project 1) it was first proposed in front of the community like any project when you make a proposal for something as grandiose as this, there's a lot of concerns as to how the community is going to accept it, whether it is going to be a detriment or a benefit to the community. We have been amazing impressed with the foresight of the community leaders and the businessmen and the citizens in Glenwood Springs and their acceptance of this project. The project has received very good press from everything in Denver, Grand Junction and we are still in a position where we are waiting for the other shoe drop and it doesn't drop. The public seems to be supportive of this. The Glenwood Chamber of Commerce is supportive of it and the businessmen are very supportive, the Downtown Business Association is very supportive. And their support is needed because right now we need to have some additional special winter-based tourist activities for our tourists. Right now, the pool is our only unique tourist activity that we have during the wintertime. We lose the rest of our activities, which includes everything from rafting to biking to hiking, they kind of go away during the wintertime and then we are left with trying to compete on a recreational level with skiing. Sunlight is a wonderful ski area but the other mountain communities have better skiing such as Summit County so we have a hard time competing on a skiing basis alone. One of the biggest challenges for the Glenwood recreational community is to create enough attractions so that people are willing to stay in Glenwood Springs more than the 1.6 average day stay they have right now. If you push it over the 2-day/2-night stay limit, all of a sudden there's tremendous opportunities to linger in our town to enjoy some of our retail opportunities or restaurants and hotels. It makes better utilization of a resource you already have especially during the wintertime. We really see in the summertime, our town is pretty well maxed out as far as room base and we really don't expect to see this create a major impact in the summertime. It gives people more of an opportunity to stay and linger but not necessarily when the rooms are at full occupancy to increase the demand. The wintertime is when we have excess capacity in our hotels and restaurants, and in our tourist based economy and that's where we are really focusing in on trying to improve it. The other thing that is happening in Glenwood Springs that you are well aware of, it that we are getting increased retail competition for sales tax revenue. You're seeing in front of your board and obviously requests for additional retail space whether it's in Rifle or Carbondale and these kind of developments are going to impact Glenwood Springs whether it's a slowing of the growth of their retail sales or it's going to cause a drop in retail sales or impact local businesses. The tourist-based activities in this town are unique. They cannot be duplicated in either Carbondale or in Rifle and the tourist-based activities is the root of our historic past in Glenwood Springs, which is why our town is here. This adding an opportunity like this is going to be a boomer which is why everybody is so excited about it. We went ahead and applied with the City of Glenwood Springs and with Garfield County for the special use applications. I want to congratulate your planning staff, as they have been extremely professional, Mark and Kim have been very professional and very communicative, and their input has been a benefit to the project. It's been a pleasure to work with them and we appreciate that level of cooperation. Right now, we're trying to be able to figure out how to move this project ahead to be able to ensure that it's done in a proper way and be able to be an asset to the community. What's in front of you now is the request for several amendments to the existing special use permit. One of them is for the tramway. We feel the tramway is an environmental friendly alternative to the existing diesel bus systems that take people up the mountain. Right now the Transfer Trail traffic was one of the biggest concerns for the Commissioners when they granted the initial approval because of the dust, the traffic impacts on Transfer Trail, so by constructing the tramway we can get the vast majority of vehicles off of Transfer Trail. And we do seem that the dust, noise, etc. also by going to the new

transportation system we can move some of the congestion away from the Hotel Colorado and put them into a parking area along with the implementation of a stronger public transit system. The second thing we're requesting is the elimination of the 1100 person per time occupancy at the upper terminal, that was based upon the limitations with the emergency service access also the septic system and I think we are addressing both of those. Next we're requesting obviously year-round access. *Year-round access* is very important for the same reason I talked about which is that we need to be able to have access in the wintertime to be able to increase the utilization of our existing infrastructure here in town, also being able to increase the amount of traffic into the Cave provides an opportunity for added income to the Beckley's so they can do further developments of the Cave. The next one is the amendment for extending the hours to 10 P.M. The ten o'clock issue also went back to the emergency access and also for transportation of cars coming down the Transfer Trail at night with the guests. And the last one would be to increase the *building size and location*. The building size has become quite contentious with the City of Glenwood Springs – it's been quite an issue with staff – we don't seem to be getting much resistance from anybody else including the planning and zoning commissioners over the building and we have visual representation to show that the building will be very difficult to see unless one stares at it with great intent. It's interesting that the City of Glenwood Springs staff doesn't seem to be too concerned too much with the visibility of the tramway but they are very concerned about the small hub on the horizon – that's a bone of contention. Where we are in the process right now – we have gone in front of the City's P & Z and they have voted in a 4-3 to, based upon 18-conditions to recommend moving it toward the final vote from the City Council. We hope to be able to go in front of the City Council on the 6th of June. The next thing we will do is apply for a building permit for the structure on top. If the County approves and we're allowed to proceed with the project, we would like to begin construction as soon as the building permit is issued sometime in the middle of June or the beginning of July. We are shooting for having the upper terminal constructed by the beginning of the year or the end of 2002. Working hours will be a typical construction work schedule 8 am to 5 pm. The Tramway is going to be constructed by a company called Light and Palma. Light and Palma is an international firm they are the second largest firm in the world in constructing tramways. They happen to have their North American operations in Grand Junction so they are literally just down the street from us. So the entire machine with the exception of the cabins which come out of Germany will be built in Grand Junction. They will start construction if everything goes according to plan in mid-August and it will be completed by probably November or beginning of December. They will basically, as Kim has mentioned, the Towers will be constructed without road access, they will be hand dug and there will not be any visual scars caused by the tramway construction. We are going to have to perhaps and they are not staked out yet and there may be some individual trees that will have to come out depending upon where the towers are located and we may have to trim some of the tops of the trees in certain locations if we have headroom problems in order to meet the Tram Board's requirements for clearances. The entire flying of the towers has to be done short term because helicopter times are very expensive, so within two days or perhaps at the most all of the towers will be flown at one time so you won't be lingering over a long period of time. Typical workdays for these crews – it's fun to watch these guys work – the whole tramway will be built by six people, a very small work crew and they typically work from the time sun up until sun down. These guys put in a brutal schedule. *Colorado Safety and Tram Board* – Chuck said he is a tramway engineer and up until last year said he was an 18-year tramway inspector for the safety board and at one time on an interim basis was their primary engineer in Denver. Also, a member of the National Committee that write the code for tramways. As far as evacuation procedures, in the recent re-writing of the National Code, he had a major part in re-writing it and can guarantee that there is very stringent requirements related to evacuations and guarantee that those requirements will be met to the degree. The Tram Board will review it on the initial submittal and they will not license the operations of the machine until it has been demonstrated that you can safely evacuate the carriers. Then, twice a year they come to the site and conduct an inspection. One is an annual and one is an unannounced inspection. At that time they review all the excavation procedures and all the training to make sure that the plan is still in place and functional. Evacuation will be a challenge on this one, but he assured the board that the Tram Board is going to set some very high standards on this particular one. Visuals and Graphics on Tram Alignments were presented. Don DeFord requested Chuck to address the question raised by the staff on whether or not you have adequate rights to construct the towers and the tramway.

Chuck Peterson – Yes, there are three different property owners they are dealing with Pitkin Iron, Delaney's; the Jacque and Celina Claudon and an undivided mining claim held in joint tenancy between Lyle Loss and Steve Beckley. We are crossing over a corner of that undivided piece of property. We do

have an operative agreements with Pitkin Iron which was submitted to the County for their review, we have agreement with JAC - Jacque Claudon and the last piece of property was a bit contiguous and very difficult to refine negotiations, it was decided that we would partition this undivided interest into two different sections: Walter Brown is representing Lyle Loss in that particular agreement. We had a signed agreement with Losses for the petition and we're in the final phase of executing the documents necessary to bring this to close. Glenn Chadwick or Walt Brown could go into that if necessary.

Mr. Chadwick – in February the parties signed an agreement and under that they agreed to execute documents to do this partition of the Washington Road into 2 pieces and the north piece will stay with Peter Washington's property with Beckley's property and become next to that the south piece would become next to the Moss property on the south, so we'd basically be eliminating the old mining claim that 300' x 1200' and annexing the pieces to the existing parcels. So you're going from three landowners to two. The north pieces cover the area where the Tramway would go so the Beckley's would end up with control and ownership of that. The agreements - the quit claim deeds and access agreements and easements, boundary line adjustments have all been prepared and submitted to Don DeFord. We are informed as of today that everybody is willing to sign off on these agreements now that implement the agreements under the February documents that everybody signed up to – we believe we have everything agreed on and will submit the final documents to the County as one of the requirements for issuance of this whole deal. Don – confirmed with Mr. Chadwick that as tenants in common -the Washington Load between the Moss and Beckley's – can they be prepared prior to the SUP.

Glenn Chadwick – yes on both.

Walt Brown – Mr. Beckley has already signed, it's not to Mr. Moss, nor to Claudone. They are confident they can be done prior to the issuance of the Special Use Permit.

Mr. Claudone – We are going to use the lower roadway and only in an emergency they will use the upper road. A concern about the Transfer Trail in summer and winter. BLM shoved down his throat that he could only plow ½ the road. If more people are going up there, it will be a problem. Overall he agrees with the plan and feels they need to get the buses off the road, but the maintenance of Transfer Trail still needs to be addressed. Taxing entities are the Claudone, Beckley's, Motorola and the County with a hundred uses per day, the County should provide one grader trip per month up there. In the past we've had poor response time from the Sheriff. If this thing goes through, somebody may want to abscond with the money.

Chairman Martin – there was talk of a trail system.

Mr. Claudone – not in favor of a trail, people are careless, dogs with no lease, smoking cigarette butts and a potential fire hazard.

Chairman Martin – questioned Chuck Peterson about the possibility of an Alpine Slide.

Chuck responded that at the present time they are concentrating solely on the tramway and buildings – can not speak to long-term plans – only this. A trail system would be a future item and would necessitate the reopening of the transfer Trail on BLM property. The trail system is all on their land. Mountain Bikes will be specifically for the top of the Flat Tops or down Transfer Trail.

The Commissioners continued to question the applicant regarding ambulance response time, ISDS system and asked if they had pursued bringing the wastewater back down and connecting to Glenwood Springs.

Chuck – said, yes this has been investigated. A second line is designed to pump the solids down. It includes a wastewater system, in case there was a problem, there would be a system in place. An agreement with Glenwood Springs has been agreed upon.

Commissioner McCown – reaffirmed that he was asking this Board to approve with the ISDS system that is in place and what will it do to the caves when you keep the gray waste.

Chuck explained the formation of the rock layers and stated it will never get into the limestone portion of the caves and it is not an issue. They also have planned to keep the existing agreement with BLM. They will do dust suppression.

Chairman Martin – questioned movement of the traffic and people and have they put other requirements in place. Check responded that Don Hackett at BLM has indicated it will take significant trips on Transfer Trail.

Chairman Martin - Also want to see they will pump upwards.

Chuck – mentioned they have 17,000 storage – it will allow gravity flow through the fire suppression system. The 1300 vertical line – only two times when they need to fill the tanks. In the winter when usage is lower and he added, they will take precautions against icing. The lines will not have insulation – they will be 1-½ lines and it takes 10 minutes and icing will not be a problem.

Other answers to questions posed by the Board - If they need to tap for water, he can tap into Jacques Claudon and Mr. Moss' property – but that would have to be between Jock and Moss with the City. They are currently using Jock Caudone's tap at the present.

Commissioner McCown – maintenance of the road? BLM? Bike trail – BLM.

If approved by BLM for bike trail; they require only ½ of the road to be plowed; the property owner's snowplows have to do the other half.

Commissioner McCown – asked on the 1100 visitors per day and do they have the mechanism in place to cut that off.

They monitor it through the tram process and could monitor wastewater – have discussed this with Kim. 1100 people a day – now about 500 with an average of 350 a day with the buses. Also important to them to get the water back into Glenwood Springs.

Commissioner Stowe – questioned a wastewater system.

Chuck – very large holding tank at the top. And/or divert via the tram. Only divert during acceptable times. He understands their concern. A pumping system is a goal for their own benefit for wastewater through Glenwood Springs.

Commissioner McCown – adequate parking at the base of the tram. Mr. Moffat – very adamant on the inadequate amount of parking.

Chuck – have a mixed-use facility. Add up the sum of the individual usages, parking is dedicated by the City code. They did a very careful analysis. City P & Z is to encourage multi-use within that area. i.e. Glenwood Springs Mall – maxed out very few days – parking is dedicated. They went through a monthly and hourly usage to determine what the realistic analysis would be. He explained the method. Estimated tour time is 1 hour with 1 hour currently used for transportation. The more parking you provide, the less people will take alternate transportation. They balanced out the usage and predicted a small amount of time when they would be using parking spaces. How you are going to provide use of a mass transportation. P & Z were comfortable with their findings. They also felt that this was an appropriate amount of parking spaces and felt their findings were adequate.

Chairman Martin – what about employee parking for the 14 – 15 employees?

Employee parking will be off-site – may transport employees – 561 hotel rooms and will transport over to the tram site.

Chuck – Ken Hunt – does parking studies – did the Pool. He reviewed their parking plan and feel they are reasonable.

Chairman Martin – while idea is to direct base parking to Two Rivers.

Chuck – now there is no parking – they are improving.

Public Input

Marianne Virgili – impact this project will have on Glenwood Springs – a tourism economy. Luck to hold our own – one thing is to help the business community especially in the winter. They are in favor of this project. Carvers, Beckley's and Petersons are in the community.

Joe Livingston – CMC – this opportunity is outstanding. It offers an opportunity for GARCO to balance what has been a construction economy. It helps the County and the business community – the fall and winters are very bad. This will greatly assist to balance this out. Longer length of stay is sometimes misunderstood, if you can have someone stay in your hotels one or two nights that eliminates the vehicle traffic – approval of this will greatly approve the area.

Chairman Martin – when no longer use of the tram – how to eliminate it once it is no longer needed.

Chuck – the tram, removal would be very minimal – a \$9,400 fee to remove. They would sign a contract.

On top of that, Pitkin Iron has always mandated and Glenwood Springs – this is a facility that has the opportunity of being very successful. This particular tramway will have very little interruptions on the land – no scars. Chuck added that the Peterson - Steve and April Carver will own the hotel at the base.

Chairman Martin – visibility an issue with Glenwood Springs.

Chuck - Ken Hunt – architect of choice. A very small pad at the top. The location on the ridge is such that you cannot see it – the sky lining where the building is against the blue sky – from 12th to 7th street, then it falls into the visual of the Flat Tops.

Chairman Martin – said he can see the roof shining at all times of the Fairy Caves especially at the old MOC site.

Chuck – not to make this a prominent view. Blend the colors, lighting. Value judgment – must be blended into the environment.

Steve – the current building now is 600 – 700 ft. and about 20 feet tall. Office is 9,600 feet.

Commissioner McCown – Michael Erion – conversation with Dwain Watson.

Michael Erion – Resource Engineering – the State policy and regulations as to what constitutes a system. To confirm, a conference call with the State, if you have multiple ISDS systems their affects and capacity would be evaluated as accumulative – require the separation – requires a buffer system – around 180' and the buffer systems cannot overlap. In excess of 2,000 would require a State permit. They can meet those regulations. There is plenty of room where they get the separation of the three.

Exhibit R – Derek handed out a long form – shows the zones of influence and explained the separation from field to field. Percolation tests need to take place.

Derek Walter – Engineer -

Commissioner McCown – after a period of time – same as a Communication system if it not used. The tramway is an important part of this current operation and your SUP would go away as well.

Commissioner McCown – asked Don, on the SUP that they are operating under now would allow them to continue to operate in their present configuration until the access agreements are signed, then that would go away and allow them to start construction of the tram and other activities. No construction could be started at the top under their existing SUP.

Don – affirmed that was correct. The new SUP and that should be a condition of approval for this amendment that at the previous conditions of the SUP would cease and this permit would come into place on the issuance. Probably not until the 1st of June is when the applicant indicated they wanted to start construction.

Steve – clarified that he could continue his buses this summer.

Don suggested that we need to have a discussion about the busses and can be incorporated in the comments, how long would the vans need to be used, what will the level of use be, so that can be included. Commissioner McCown – which issue was addressed earlier regarding the traffic impact on Transfer Trail. Additional trucks for the construction will also be using Transfer Trail.

Steve – permitted for 30 plus trips and 10 maintenance trips a day and we do about 20 bus trips a day and 2 –3 maintenance a day.

Chairman Martin – construction phase and the total of rebuilding and that road is limited to a certain use – you will need to go to BLM and make sure we can put our big trucks up there as it will change your overall use and it may require an upgraded permit from BLM to allow you to do that. It will change the overall use of the road.

Steve – clarified 30 up and 30 down and 10 and 10 down for maintenance trips are permitted. When they constructed the Cave, we brought up cement and other things up also and they could do those with the permitted 10 up and 10 down trips.

Don – answer the question regarding the continuance of the existing SUP and on the permit you have now we need to know who long you will continue to use the busses.

Steve – until December 31, 2002. They will use the buses under the SUP – somewhere around November 1, shut down until they can re-open with the tram in place. They will maintain one bus and two vans for emergency evacuation. Steve commented they cannot operate the tram until it has been inspected and approved according to the State law.

Staff still wants a copy of their evacuation plan.

Don – suggested that the Board should continue the current SUP until the tram is ready. Clarify that BLM will allow the construction travel and on Condition No. 16 - continue to allow their transportation plan until the end of 2002.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request to amend the Special Use Permit to allow for commercial recreational facility with the 16 conditions noted by staff and adding #17 the removal of the tram after one –one full year of in operation and inactivity. Motion carried.

Parking Issues

Chairman Martin mentioned they would have to deal with the City of Glenwood Springs on parking. Discussion was held regarding adequate parking for the Tramway. Commissioner McCown commented that he thought the parking seems to be inadequate. Chairman Martin commented that he was surprised to refer to a City Park for overflow parking.

West Hillside Issues and Parking – this is in the City and they will have to deal with it.

NTCH/RHODES SPECIAL USE PERMIT. LOCATION: GRAHAM MESA. APPLICANT: RICHARD AND KAREN RHODES

Don DeFord, Mark Bean, Amyl Garcia with NTCH and Gary Curry – Grand Junction were present. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application and all attachments; Exhibit D – Project Information and Staff Report; Exhibit E – Garfield County Zoning Resolution of 1978 as amended; and Exhibit F – Memo from Rifle that was included in the packet.

Chairman Martin entered exhibits A - F into the record.

This is a request for review of a Special Use Permit to allow for a Communication Facility (Cellular Phone Tower) submitted by Richard and Karen Rhodes, NTCH, Colorado (Clear Talk) located northeast of Rifle, approximately one mile on Graham Mesa. The site is a 10,000 square foot lease area on 48.711 acres with access off County Road 233. The tower is proposed to be 196 foot in height.

The applicant is proposing to place a 196 foot monopole capable of supporting the collocation of four wireless telecommunications providers on the subject site.

Recommendation:

Staff recommends Approval of the Special Use Permit, based on the following conditions:

1. All representations of the applicant, within both the application and insuring the public hearing shall be considered conditions of approval unless approved otherwise by the Board of County Commissioners.
2. The applicant shall have one year from the date of approval to construct the communications facilities. If the communication equipment becomes obsolete or inoperable for any period of twelve months, the applicant shall remove the tower and accessory building from the property.
3. The applicant shall provide a copy of the FCC license for the initial company providing telecommunication services from the site, prior to the issuance of the Special Use Permit. Prior to the addition of any other carriers to the site, the applicant will provide a copy of the FCC license for the company collocating on the site.
4. An exception is granted from the height restrictions based on the applicant satisfactorily addressing the criteria in Section 5.03.13 (3)(a-c) of the Garfield County Zoning Regulations.
5. The applicant will allow for collocation of other communications facilities on the site, if it is physically and technically feasible.
6. The applicant shall provide a copy of the clearance from the FAA for the proposed tower prior to issuance of a Special Use Permit.
7. The applicant shall obtain a license from the City of Rifle for the use of the access road prior to the issuance of the Special Use Permit.
8. The power line to the existing Rifle water tank is buried in accordance with all applicable electrical codes, Xcel Energy requirements and other applicable municipal standards.
9. The applicant shall procure an access license for use of the water tank roadway and conform to the required terms and conditions therein.
1. The applicant shall maintain proper security of the City water tank site at all times during and after construction.

Amel mentioned that this is the final link in the area – it is a very important link. It will also benefit the Emergency Communication system. She confirmed that there would not be any interference with the Emergency Communication system as they are licensed differently. Commissioner McCown questioned the color of paint; Mark stated that paint was not a condition of approval.

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

A motion was made by Commissioner Stowe and seconded by McCown to approve the NTCH/Rhodes Special Use Permit for the construction of a tower with the recommendations of staff as noted 1- 10; motion carried.

DURNIL SPECIAL USE PERMIT. LOCATION: GRASS MESA. APPLICANT: KENNETH DURNIL

Mark Bean, Kenneth, Lynn, and Rick Herneisen – Rifle Premier Homes were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 Receipt; Exhibit C – Application with Attachments; Exhibit D – Staff Report and Project Information; Exhibit E – Zoning; and Exhibit F – Comp Plan of 2000 Study Areas 1-3

Chairman Martin entered Exhibits A - F into the record.

This is a request for review of a Special Use Permit to allow an Accessory Dwelling Unit generally located south of Rifle on Grass Mesa. The site is a 40.0 acre parcel. The applicant is proposing to place a 1956 sq. ft. manufactured home on a 46 acre tract of land that already has a 1280 sq. ft. home on the property. The existing home will become the accessory dwelling unit on the property since it is less than 1500 sq. ft. in size. Mark explained the requirement when there are two owners. They would have to go through the Subdivision process in order to sell either of the units separate without the both parties becoming tenants in common or joint tenants with an undivided interest in the property itself. They could see the units but not the property. The other party that is a co-owner of the property would have to agree to it in some form. They would have to become an undivided interest holder in the 46 acres. Commissioner McCown clarified that these homes could be moved.

Recommendation:

Staff recommends Approval, of the applied for Special Use Permit, with the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The applicant will comply with all of the supplementary standards contained in Section 5.03.21 of the Garfield County Zoning Resolution.
3. Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this Special Use Permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the Special Use Permit.
4. Prior to the issuance of the Special Use Permit, the following documentation will be provided to the Planning Department:
 - 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 two (2) dwelling units.
5. The ownership of the dwellings on the property shall not be divided or sold separately unless the property owner receives approval of a subdivision of the property in compliance with the applicable County subdivision regulations.

Ken Durnil asked the pump test to be omitted due to the cost and the time it takes which would create a delay for him as far as starting the building. He has plans to fly back to Illinois to begin the process of flying. The clarification needed was the time delay in getting the building permit. Mark explained the procedure. Commissioner McCown also explained the County's requirement and offered some suggestions. After the test is done and you bring the results into the Building and Planning Department, you can have your building permit. The ownership with the dwellings of property is understood – Carter and Sands – Partnership – and will address the undivided interest in the property.

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

A motion was made by Commissioner McCown and seconded by Commissioner to approve the request for a Special Use Permit to allow an Accessory Dwelling Unit for Kenneth Durnil with the conditions 1 – 5 as noted by staff; motion carried.

REFERRAL TO PLANNING COMMISSION FOR PINKHAM TEXT AMENDMENT.

APPLICANT: BILL PINKHAM

REFERRAL TO THE PLANNING COMMISSION OF A ZONE DISTRICT AMENDMENT FROM A/R/RD TO R/L/SD FROM MARLIN (COLORADO) LTD.

Mark said the Planning Department has recently received an application from Bill Pinkham requesting a zone district text amendment regarding noise abatement and sanitary waste disposal within the County. The application is proposing to amend Section 5.03.15 of the Garfield County Zoning Resolution in the following ways:

- Section 5.03.15 (1) shall allow the keeping of dogs outdoors unless it is shown that the Noise Abatement Statute, C. R. S. 25-23-202, et. seq. is being violated.
- Section 5.03.15 (2) shall allow noise to emanate beyond property boundaries as long as the noise is not found to be in violation of the Noise Abatement Statute.
- Section 5.03.15 (3) shall allow for the disposal of animal waste in accordance with the recommendations of the Colorado Department of Public Health with respect to the specific characteristics of the property.
- Section 5.03.15 (4) shall allow outdoor runs except in those instances where such runs cannot be brought into compliance with the Noise Abatement Statute.

Mark also requested the Marlin Limited referral be included in the same motion. He said that these two issues consist of the Board formally referring these application to the Planning Commission for review. Due to the variety and volume of zone amendments the applicant is proposing, Planning Staff feels this referral is appropriate.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer this to the Planning Commission for review and refer the Zone District Amendment for the Westbank Ranch and Marlin Limited. Motion carried.

APPROVE THE AMENDED FINAL PLAT, OAK MEADOWS RANCH – FILING NO. 4 – APPLICANT OAK MEADOWS DEVELOPMENT CORPORATION

Mark stated this is the first phase of Filing No. 4. He also requested that Mildred not record this until they pay the required fees for the SIA, another than the recording cost.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the approve the amended final plat, Oak Meadows Ranch, Filing No. 4 and to authorize the Chairman to sign but to hold recording of these documents until all fees have been paid. Motion carried.

Comments in Making Referral to the City of Glenwood Springs Regarding the Glenwood Caverns

Mark said this would be other than the motion the Board made and passed in the conditions of approval made earlier. Commissioner McCown and Chairman Martin both indicated they believed the parking plan was inadequate, but again recognized that this was a City issue and one they would have to address. Additionally, Mark said not only the parking would be an issue but also felt of the Hillside Preservation would need to be addressed. Mark said he will pass on the recommendation as well as the conditions of approval to the City of Glenwood Springs.

▪ *Parachute Citizens – Dog Problem*

Commissioner Stowe in his discussions with the Parachute residents last week, the issue of the problem they are having with the number of dogs is a concern. The question to Mark was if there is a possibility of adding limits of the number of dogs that have been grandfathered in. Mark suggested the best way to deal with this would be for the citizens to amend their covenants to address this concern. We cannot retroactively go back in and redo something that was already in place. Any subsequent approvals to the PUD and any Plats that come in to the County can have the one dog restriction. Commissioner McCown said their covenants were changed with the rental of the trailer units and there is a restriction of only one dog. In addition, their dog has to be tagged. They have developed a tagging process and implemented a very effective system.

Battlement Mesa – Zeroscaping

Mark mentioned the fact that Battlement Mesa will not allow Zeroscaping because they need to use the amount of water they have a right to use so they will not lose any rights.

Heads up – News Article

Mark said that in his capacity as the Local Governmental designee he had the opportunity to go down and visit a well site that was within 200 feet of a Riparian area. This well site is also within 600-feet of the Town of Parachute. Contrary to the newspaper article on the Western Colorado Congress Newsletter this well site will actually be closer that the one referenced being 130-feet. Mark looked at the site that was the subject of that article. It was over 1,000-feet from her house. They have tried and will be doing directional drilling from this particular site; it will technically be closer than the one called “Dante’s Inferno”. Unfortunately, the sad part was that it was not represented properly and a misrepresentation of facts. There were many senior citizens living in the area that did not have the same problems as the complaining lady as

well as it was closer to the Senior Center as well. They do plan to spud this well the first part of June. They are planning to use some of the waste material to berm it up to create a buffer for noise and view. A Public Forum is scheduled for the end of June in Rifle at City Hall. Mark to get the specifics and relay those to the Board.

Coal Bed Methane – May 22, 2002 – Oil and Gas – Delta

Mark Bean said that he planned to participate in that discussion.

Arts Display – Courthouse Plaza

Chairman Martin – The Commissioners received a request made by Grace Johnson of the Glenwood Springs Art Guild to ask for consideration to allow them to display their private collection of artwork everything from paintings to sculptor in the Courthouse Plaza. Chairman Martin said we have displayed their artwork in the Courthouse and it has always been tasteful. The Valley View Hospital has also displayed their work. Commissioner Stowe said he did not have a problem as long as it is tasteful and as long as it does not require special lighting and accent spots.

Executive Session – Personnel and a Contamination Issue

A motion was made by McCown and seconded by Commissioner Stowe to go into an executive session to discuss the aforementioned items. Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of executive session and to adjourn. Motion carried.

ADJOURN

Attest:

Chairman of the Board

MAY 13, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Garfield County Board of Commissioners met on May 13, 2002 at 8:00 AM with Chairman John Martin, Commissioners Walt Stowe and Larry McCown present. Also present were Assistant County Manager Jesse Smith, County Attorney Don DeFord and County Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY MANAGER UPDATE: JESSE SMITH

▪ **LANDFILL UPDATE – KRAIG KUBERRY**

Kraig submitted a report and commented on the State inspection letter they had received, they passed with excellence. He complimented his staff on getting these reports very highly rated from the State. Gould Construction was the firm that was awarded the bid to construction our new cell. Work began on April 8, Bob Peterson is the consulting engineer who has been working with Gould to ensure the design plan was filed with the State and is being followed. Everything is going great; they are approximately 1/3 complete. He estimated the cells will last 2 ½ years due to the size they are making them now. They are continuing to crush the rock, recycling iron products such as appliances, wire, sheet metals, copper, and aluminum. The letter that was sent out to our commercial accounts regarding the County rates and the reactions to the requests has been cooperative. Only one commercial hauler has reduced the usage at the Landfill since the new rates began; all other commercial haulers are compiling and we feel the out-of-County generation is less than 5% on those we are not getting the documentation. Earth day at the Landfill was Saturday, April 22 4/22 and it went very well, we had approximately 236 customer vehicles taking advantage of the free day. The comments from the customers were positive and very complimentary. They did an outstanding job of separating their trash and all contraband was confiscated at the scale. Some paint and computers, approximately 50 batteries. We were charged for the batteries; Interstate Batteries from Grand Junction picks them up for free. Chairman Martin was really impressed with the staff on the way the Landfill was being handled on Earth day. Commissioner McCown said that Kraig should start looking at auctions for a screener. The Landfill needs a larger screener. Perhaps in 2003 budget, they could look at this for the Landfill. He noticed the people waiting at the small screener during Earth day. Kraig was requested to get some prices and get back with the Commissioners. Commercial dumpsters, are we charging rent for them? Kraig called around to see what other landfills were doing. Most of the ones he connected with were cooperating with them. Commissioner McCown mentioned the possibility of charging for these during Fair time. There is no charge for a staging area. However, he didn't see the need for staging at the landfill.

• **Roaring Fork Housing Authority – Healthy Mountain Communities** - Colin Laird

gave the background of the Roaring Fork Housing Authority Initiative and an update. This Authority is made up of an elected officials, steering committee currently from Basalt, Carbondale, Glenwood Springs, Eagle County and Garfield County. The steering committee will work with Healthy Mountain Communities (HMC) and the consultant team through series of decisions relating to the creation of a regional housing authority. These decisions will form the basis of an intergovernmental agreement to be approved by each participating local government.

The desired action that Colin requested is the designation of a Garfield County Commissioner to serve on the Roaring Fork Housing Authority Initiative Steering Committee. Colin mentioned this would probably be a 6 – 8 month operation. Commissioner Stowe mentioned he would be glad to serve on this initiative. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Walt Stowe to serve on the Roaring Fork Housing Authority – Healthy Mountain Committee; motion carried.

▪ **Letter – Reference to the Housing Authority Initiative and the Continuation of the Funds**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the letter to carry over the funds and let them grow in order to accumulate a sum to be able to do something with later and that amount is \$1,642,163 for multi-family housing. Motion carried.

• **Agenda for Fire Board Meeting** – Dale Hancock presented for Guy in his absence and

Submitted the agenda and asked for input, corrections and/or additional topics the Commissioners would like to discuss at the Fire Board Meeting to be held on 7 PM in Courthouse Room 301. Commissioner McCown said he originally requested the meeting in order to have all the fire districts to find out the need and desire to eliminate areas in Garfield County that are not covered by a fire district. This would be a

discussion on ways to eliminate those areas not covered and determine possible ways to eliminate unprotected areas. Dale said he would mail the agenda out to all the Fire Districts.

- **Department of Corrections – ISP Community Types and ISP Parole Contracts** – Dale Hancock submitted the Parole contracts and requested the

Chairman's signature on the renewals for intensive supervision community offenders and parole clients in the Department of Corrections. This is a continuation of this program and is about the fifth year we have had the contracts to supervise the inmates and supplies funds to offset the department.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the parole contracts; motion carried.

- **Mountain View Building Upgrade, Budget Projections** – Randy Withee, Margaret Long, Mary Meisner, and Sandra Barnett were present.

Randy submitted a power point presentation that included discussion topics: Transfer Public Health personnel from the Courthouse to the Mountain View Building once Social Services is moved to the new Courthouse Plaza; Remodel Mountain View to meet the needs of the Public Health Nurse and associated nursing programs. The scope of the work for the first floor would involve changing a few walls & doors, removing existing carpet and replace with VCT, install sinks & plumbing, install cabinets, install metal caps over the existing heaters and repaint. On the second floor, the only items necessary would be to remove and replace the carpet and repaint. The budget projection for the Mountain View Building included:

Remodel -	\$105,000
A & E -	5,000
Allowances for:	
Electrical	5,000
Computer	1,000
Partitions	5,000 – Herman Miller
Repair & Patching	1,000 - furniture
Subtotal	\$ 12,000
Contingency (15%)	18,000 – unknowns
Total	\$140,000 estimate

Randy mentioned the budget was for \$100,000 however, they are requesting this be raised to \$140,000. Commissioner McCown suggested to move forward with the \$100,000 and have Public Health prioritize the floor they would like to have remodeled and go from there.

Randy mentioned he had a rough estimate of \$105,000. Commissioner Stowe mentioned to move forward for the first floor. Randy said they could go out to bid on the first and second floor independently. A contract could be granted for the first floor. Chuck Brenner said that as of the middle of June the building would be vacant and it would be a better time to complete all the work. Another issue was a request to take down some of the paneling and repaint and re-carpet next year.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the staff to proceed with the plan and stay within the budget of \$100,000 to complete the remodeling, in phases, of the Mountain View Building to meet the needs of the Public Health Nurse. Motion carried.

- **Award Bid to Odyssey Construction for Replacing North Section of Roof** – Henry

Building – Richard Alary and Jesse Smith reviewed the Commissioner Minutes regarding the roof. Chuck Brenner addressed the issue of possible asbestos in the roof.

A motion was made by Commissioner Stowe to direct Chuck Brenner to move with the re-roofing of the Henry Building and we take some serious looks and get some more information on the Mountain View Building. He added that he would like to know at what point in the Mountain View Building we hit asbestos and how many layers and to submit the findings on the Henry Building before the Contract is awarded. Since they have the testing and broke into the layers, he would like to see those reports. If they can get us that information next week, then we possibly could move forward on those roofs. Tim was requested when they cut through the different layers, find out if they graveled at each layer. The lower levels might just be the smooth surface built up and then they went over it with another layer.

Commissioner McCown said the last layer put on the roof was fiberglass mesh.

The motion was never seconded. The subject was continued until May 20, 2002.

- **Internet – Rifle - Clerk & Treasurer's Office**

Jesse mentioned the current Internet server cannot maintain continuous service creating havoc in the Clerk and Treasurer's offices in Rifle. He requested approval to shift to Sopris Surfers at a cost of \$275.00 more a

month for service. Rofintug and Sopris were the bidders. Sopris Surfers was the lower bid. Contract and the funds would come out of line item for IT Services. It will connect with the Taughenbaugh Building, the Engineer and Building and Planning as well as the Clerk & Recorder and the Treasurer. Every time the system goes out, Desktop has to go out and check to see where the problem is located. Jesse announced that a new IT Director would be coming in on May 28 and this should be to reduce our outside consulting costs.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Contract for the T1-9 with Sopris Surveys; motion carried.

Commissioner Stowe asked for a dollar figure of what the entire computer system is costing the County.

COUNTY ATTORNEY UPDATE: DON DEFORD

▪ *Policy Discussion of CSEU Potential Conflict Cases*

Carolyn Dahlgren, Don DeFord, Margaret Long and Joy Davis were present. Don DeFord discussed the handling of potential conflict cases at Social Services and other departments within the County. This was in the form of a confidential memo due to the County personnel that would be handling the case. Joy has taken a look at Don's proposal on Child Support and made some revisions. Child Support can be handled by the supervisor of the department. This has been the practice in this County and is in compliance with the State. Don requested some review of other counties to see how they handle cases. Boulder, Adams, Jefferson and Pueblo Counties, the supervisor will take charge of the conflict case and the County Attorney continues to provide legal assistance. Neither of the aforementioned counties did not see a conflict with the State practices. Responses were recently received by Weld, Arapahoe and Moffat Counties. Don reviewed the practices at each of these cases. Moffat and Weld, if there was a complaint, would be to move this from the department and to another County. The recommendation is to continue with the practice around the State Regulations. Jesse mentioned this surfaced via a complaint and it would be reasonable to continue handling it as is, if the employee reports to the Department Supervisor, he would have a conflict of interest issue. There needs to be some insulation between the two. Joy stated the relatives consist of nephews, and one with a former spouse. She talked to the State, if there is a request to transfer the case out, it could be done, however the State was in agreement to continue handling the cases as it is currently exists. Don mentioned they had a comment regarding the access to the Computer; there is an employee policy if someone were to access any information of employee's files, it was a violation. Commissioner McCown mentioned that as long as there is a continuance of these potential cases there would be potential conflict. Joy said the courts are the final decision maker. Social Services is the case file management.

Margaret Long – the transfer cases is purely optional to the other counties – they do not have to take a case. Don said if there are cases moved from Garfield County to Mesa and Eagle, the cost is taken out of their individual budget. Joy added that the counties do not have to take these cases. These cases were adjudicated in the Garfield County courts and it creates. Don – take out the direct supervisor and move these cases to the Department Supervisor. Lisa Pavlisick would be the one who handles these potential cases. She couldn't do the enforcement part but she could

Commissioner McCown – not a short coming in the department, but we must be handle these cases – trying to avoid the perception. Commissioner Stowe suggested adding in bold type, that at any time you have the option of moving this out of County. Joy said all determinations or changes will be made by the Judge. Direction to staff was made by Commissioner McCown who said by adding the one recommended by Jesse, to move forward and the Board would re-evaluate this issue in 6-months; it included incorporating the three proposals included in Don's Memo.

▪ *Discussion of Westlaw Subscription*

Don reported on the renewal of their legal research via computer. There are some changes and to do this they would have to sign a contract with Westlaw that first of all we would increase our current rate, right now it's a \$304/month. It goes to \$322 and this is the added attraction – we have to commit at least tentatively to two additional years to do this. In the second year, it would go to \$335 and in the third year to \$369. Because of the Tabor issues we can't formally absolutely yes, we'll do it. We can get out of the contract if we don't budget for the computerized legal research. But the only way to get out of it is simply to drop off all forms of computer research and not just Westlaw. It leaves us in a difficult position if we back out, legally we can do it, but practically it would be difficult. However, in the first year, it's a net savings of almost \$1000. Over the life of the contract, it is still going to be cost effective for the County. A motion was made by Commissioner McCown seconded by Commissioner Stowe to authorize Don to sign the Agreement with Westlaw. Motion carried.

- ***Meeting – Joint City/County – Tuesday, May 14, 2002***

Discussion was held on the tentative agenda items taken out of the minutes from March 2002.

Chairman Martin – There is a crisis on the parking and a need to work this out. The City is not following the agreement, and we are behind on our parking adjacent to the Courthouse, and the City was not to proceed with the 8th Street improvement until that was completed. Other agenda items included the Amendments to the IGA; and the Regional Cemetery – Spring Valley has zoning. Commissioner Stowe said there was not a lot of activity and suggested to move this to July unless the City has a pressing need.

▪ ***Carbondale and New Castle Meetings with Municipalities***

Staff was directed to move forward with setting up the meetings.

▪ ***Courthouse Plaza*** – the City approved the parking the way it is, no additional parking was requested. With all new parking at the MOC and the old jail site, we have more parking than was available at the old UPL site. Commissioner Stowe mentioned the parking across on 8th and Pitkin should not be addressed until the two parking lots are completed. Commissioner McCown suggested issuing a couple of handicapped spaces next to the Courthouse Plaza.

▪ ***Request – New Castle – Purchase Two Used Chevy Blazers from Sheriff's Department***

Steve Rippy submitted a request to purchase two used Chevy Blazers in the amount of \$2500 per vehicle. Jesse mentioned this was an estimate on potential auction prices. Commissioner Stowe – like to know the years, book value, and possible on-going price generated via auction. Jesse was directed to have Tim Arnett check the Blue Book.

▪ ***Valley Journal – Deadlines Moved***

Don reported on the fact that deadlines were changed and he noticed there were two issues published too late. The Board suggested that Don write a letter asking for leniency of the need to have the agenda and other publications in by the Friday before the meeting on the next Monday. It used to be the Tuesday before the meeting on Monday. Donna Daniels will check with the paper. Also, due to the legal publication requirement of 48 hours, the Fire Ban did not take place until Thursday.

EXECUTIVE SESSION – Update on Current Litigation and Staff Direction on Sale and Lease of County Property

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the aforementioned items; motion carried.

The following individuals were requested to remain for the session: the Commissioners, Don DeFord, Mildred Alsdorf, and Ed Green.

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

COMMISSIONER REPORT

Commissioner Stowe – Government Class – Carbondale; Thursday, Ruedi; Saturday, Rifle Rendezvous.

Next week - Jury Duty on Tuesday; Thursday, Rural Resort in Weldon, Colorado. Commissioner McCown – Rifle Rendezvous on Saturday.

Chairman Martin – Budget Review Seminar - Department of Local Affairs – Vail Lodge in Evergreen; May 16, 17 with Jesse. Bicycle Rodeo in Silt.

CONSENT AGENDA

- a. Approve Bills
- b. Sign The Resolution of Approval and Exemption Plat for the Smith Subdivision Exemption
- c. Sign the Resolution of Approval and Exemption Plat for the Borch Subdivision Exemption
- d. Sign the Amended Plat for Lot 2, Elder Subdivision
- e. Sign a Correction Plat Renaming Los Amigos Drive to Elk Springs Drive
- f. Sign the Final Plat and Subdivision Improvements Agreement for the T.O. Ranch Subdivision
- g. Sign the Final Plat and Subdivision Improvements Agreement for the Stirling Ranch PUD Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the consent agenda; carried.

AIRPORT - APPLICATION FOR FBO, THE FLIGHT DEPARTMENT, INC. – ANDREW DOREMUS, PRESIDENT

Carolyn Dahlgren, Brian Codie and Andrew Doremus, Jim Hybarger, the Manager of the facility and Eric Hick, fuel tank specialist were present.

The following Exhibits were submitted: Exhibit A – Legal Notice; Exhibit B – Application; Exhibit C – Part Four Application and Hearing Process, and Exhibit D – Part Three – Specific Requirements for Fixed Base Operator. Chairman Martin swore in the speakers.

Applicant André Doremus reminded the Board he was here in 1999 with the mentioning of another business. He reviewed the application. These are full-time tenants. What we are trying to do is increase the growth of the Airport with turbo props and jet aircraft. They have met the things they proposed in 1999. Now we offer full services of an FBO except for the ability to sell gas. There is an adequate need for another fuel supplier. In-house they have almost double fuel needs for their operation.

Corporate Aircraft – Fuel Sales – Ed Watkins, FBO at the Airport from 1984 to present, Dr. Soldner, and Bill Pence in charge of all aircraft operations, and Todd Chilton, current manager at Garfield County Aircraft were present. They started very small, have been a good client to the County and should be careful at this point. The most important thing with the Flight Department in using fuel sales to promote the growth at the Airport is not to offer additional fuel sources, but to encourage others to use the Airport. The Governor will arrive soon at the Airport. Their staff that is operating treats customers all the same. They spend their assets – selling jet fuel is about 10% of their operation. How many fuel suppliers does it take and the type of income needed to support two FBO's at the Garfield County Airport was the question he posed. Roger Soldner – Corporate Air Craft for 25 years. The company has grown and now they have 3 hangers and about a \$7 million investment. 720,000 - 655,000 and 55,000 average – bread even is 800,000 and if another supplier comes on board, it will necessity a cut back in their current operation. 2-800 – figures given. They want to keep the type of service and keep their assets. Bill Pence – Airport Operations – job is to ensure the very best quality services. A 12 year employee. When this was first entertained, in order to keep the level of services, they must pump around 400,000 of fuel every hear. If another one comes in, it will diminish their fuel sales and cutbacks in services would be necessary. Todd Chilton – guidance from FAA and he spoke on those outlines and guidelines; he had spoken with the FBO at Montrose and Pueblo. services.

Stacy Downing – Limo Service – has operated out of seven different airports and prefers to have the competition especially when the FBO is operated poorly. She voiced a support for another FBO. Andrew Doremus – it sounds to him that the basic facts and needs have to be addressed. If it takes fuel sales of 800,000 gallons to profit, then as recently as 1999, 450,000 gallons were sold and they are still operating. FBO is growing and if the rate of 18% increases, they will be a one-million in fuel sales. Competition is good for the customer, provides a better product, advertising and increases in sales. Avgas – Andrew will provide a self-fuel source to provide the local pilot a cheaper price on gas - 25 cents a gallon less. Eric Hick – CGRS – Fort Collins Colorado – services for storage tanks – handle cleans up, install, and a lot of today's self-service has different concepts and you can build-in safety measures. The major concern is a substantial spill. You handle this by placing limits on authorizing fuel – i.e. limit 100 gallons, then re-authorize for additional fuel. With proper design and considerations, he didn't see this as a problem for safety. Underground or above-ground either way. Self-service tanks include emergency procedures and response plans. These are already in place.

Commissioner Stowe referenced that at the present time, there is an attendant fueling the airplane. Eric – to prevent substantial loses of gas. If a customer walks away while he is fueling, it can result in a spillage. This should not occur. The smaller releases can be fairly well maintained.

Brian Codie submitted the staff analysis/recommendations of The Flight Departments FBO request. Fuel Section – In the recommendations for approval, it addressed that the Flight Department will be responsible and also covering liability. If they are willing to take the liability responsibility, then he thinks a second supplier would be good. Handout – Exhibit E – Staff's outline was submitted as an Exhibit. As an independent operator, we have to look at the legal framework. Section 308 – prohibits exclusive rights. The Airport Authority has the opportunity to approve. Analysis – Garfield County Airport is a service airport and it affects the economic well-being of the community. It might not be in the provider's best interest. The users can not support the Airport, it is a benefit. Operate in the operating framework of the Airport.

The Flight Department's Application – Complies with the Master plan; the major points of concerns; they have a request for a variance of 100,000 square foot requirement/current 87k and 95k; new 27/7 AV gas self-fueling station at TFD expense/concerns safety, environmental, liability; request for 50% of current tie-downs; request to pave taxiway "A" north of TFD for lease reduction, consideration, concerns FAA funds at 90/10 (2002-2004)

Recommendations - Approval conditioned upon:

1. Renegotiation of lease/operating agreement to include all proposed activities
2. Ability to meet all minimum standards for commercial aeronautical activities on airport to include ground space, facilities and accommodations

3. Construct on-airport fuel farms in accordance with NFPA and RFPD requirements at TFD expense.
4. Lease to specifically address title conveyance to County
5. TFD to set rules and regulations for operation of self-fueling/assume 100% liability insurance
6. Immediate revocation of self-fueling activities for safety violations by any user until concerns
7. TFD accepting a total of 20% of the airport tie downs as selected by the Airport Manager for the first four years negotiable thereafter.
8. Taxiway "A" expansion considered unwarranted by the County at present time.

Conclusion: Andrew Federal government is providing funds to increase usage at the Airport. When pilots land at a Garfield County Airport, they love to be in control and to be able to make a choice. It is seen as a benefit to the Garfield County Airport. The current FBO serves 80% and has the best location. TFD will be located out-of-the way and it will make it harder to serve the general clientele. Brian said he felt the County should allow TFD to operate. Andrew said, on the tie-downs, that he was willing to start with 20%, may be some middle ground of 35%, and Brian is willing to work with TFD. It will behoove us all to look at percentage of ramp to arrive at the best way to allocate this. said one thing that is not addressed in our rules and regulations is ramp space allocated. He showed the Commissioners a drawing of the airport he just left showing that each FBO has their ramp space allocated in front of them, but they are not allowed to go into the other FBO's authorized space. This also includes the transit aircraft that comes in, there is a place provided for them. This is not currently addressed and wasn't a need before now, but it is something we can consider at a future time. Extension of the taxiway – they built a 100x100 apron and through the consideration of the County, we worked and came to an agreement on some reduced lease because he had improved the ramp. He does not need to build the taxi-way, you ask for everything first, so he started at the top. He said he'd like to improve the ramp at some time as they continue to add on. The self-fueler and the location of it is a difficult decision, but as Brian said, it needs to be the best position for the local user and where the small airplanes will be. The best place for TFD would be at his hanger location. Brian - Taxi-way expansion is not warranted for the County at this time. Commissioner McCown – location of this fuel farm is lacking; does the TFD have a preference. Brian - General aviation where the users will be located within the hanger. It could be a site they do not have currently leased. Andrew Doremus - the time period without an Airport Manager created some of these issues being left blank. He wants to do it in a correct manner within the Master Plan.

Eddie Walk – President of CAS – respects the request for a second FBO but seriously he felt they are not here to service the needs of the private aviation people that come here, the putting in a self-service fuel farm is a way of putting in a no-service operations that they don't have to do anything to. They will supply their requirement as an FBO by putting gas in the ground, as if you take it when you want it. In the three operations they have, most do not want to crawl on the wing of their airport and fill their own tank. This is what they've been doing this in 18 years. They have tried to promote the business and feel the competitor should offer a fuel operator.

They get good service on fuel supply. Commissioner Stowe – there was some indication that the County may need to increase the fuel farm in the next 2 – 3 to 5 years depending on the sales. Eddie Walk – wanted to put in their own storage. AvFuel paid for the expansion. Not partners with the County on this. For the most part, 30,000 supply is adequate. Jim Hybarger with TFD – self-serving only after standard hours. They will provide fueling services during the hours of business. The self-fueling will be done at the 25 cents per gallon, no matter if it is self-service or an operator assisted fueling. On the underground system versus an above ground tank – cost are very similar. This is not that big of a deal. If it was closer to the actual fueling site, they would recommend an underground tank. Underground tanks are not subject to all of the set-back requirements that are required for above-ground storage tanks. Commissioner McCown – it's like .7903 cents fee, will this go away with this contract? Jim Hybarger said if they pay for the tanks and do all the other, they would wonder why they should have to pay the County for the storage. They would pay for lease for the ground for the tanks but there's an additional storage fee at the present time and the County owns the current tanks, ground, etc. All they are asking is a break on the storage fee. They would still pay the County for flowage. Brian said the storage fee is for upkeep and maintenance of the tank, that's what it's calculated for so if they are putting in their own tank and maintaining it, then he would have no problem. Commissioner McCown said as Mr. Watts said they spent a considerable amount of funding for our current fuel farm, would it be to our advantage once it comes on line, to own the second

one as well as the one we own in conjunction with Corporate Air because of this new buy-in. Brian, yes, but at this point there is no need for another fuel farm, the County doesn't need it. We would defer 4 – 5 years until our demand is there, but if they want to improve the Airport at their costs, then yes, it is beneficial for the community. Commissioner McCown had heard this was in the process and he has talked to a number of people that utilize both operations has heard complaints on both of you. As a County Commissioner it was very well outlined in the handout from Brian, that our responsibility to the taxpayers to get by with the best service for the users of the Airport with the least amount of expense. So we're looking for somebody to come in and provide a service, historically, competition is good. The only way competition is bad is if the County ends up losing out of the whole operation. He doesn't know if the current FBO is actively soliciting additional fuel sales from our carrier services that stop there on a regular basis and fuel in Grand Junction. We're not getting it, but it's a daily stop that could be fueling at our Airport instead of Grand Junction. This seems a loss of revenue by our current FBO and should this be granted that a competition for business does come to the forefront and the ultimate benefactor is the Garfield County and the economic development. The Airport is a bigger economic engine for Garfield County than the big box stores that we hear so much about. It is currently a diamond in the rough and it is up to everyone in this room, both firms and the Commissioners to responsibly cut and polish that diamond and his interest is primarily Garfield County's. FBO has supplied a lot of service for the County. The current FBO has provided a tremendous amount of service to Garfield County and the small aircraft users, but by the same token I hear them grumbling about the service there as well – we're not there yet and hopefully with a combination, we can get there. However, complaints have been made on both of you. Current aircraft owners that you currently are managing their aircraft, aircraft users that you are currently providing a service to on the ramp and otherwise. So there's room for improvement. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; motion carried.

Commissioner McCown – the Flight Department has delayed this activity until we could get our Airport Manager located, but think it is unfair for Brian Condie to have had to put his recommendations in less than what he would consider an adequate amount of time to research this, and would like to continue this until June 3 at 10 a.m. so that the Board can review further information, and that Brian be given more time and at the June 3 meeting we will render a decision. Commissioner Stowe seconded. Chairman Martin said making sure that any new information that comes forward must be provided both to the applicant and to the public. We would have to re-open the hearing to introduce any new information for consideration. Commissioner McCown amended his motion to rescind the closing and continue the public hearing to June 3. Commissioner Stowe amended his second to reflect the rescinding of the closing of the meeting and continuing this until June 3; motion carried.

Additional Discussion

Carolyn Dahlgren stated there was a problem and asked to change the continuation until June 17th. Commissioner McCown amended his motion to continue this until the 17th of June and reflected that we need a letter from Andrew Doremus to request the change. Commissioner Stowe seconded. Motion carried.

LOVA TRAILS – Posting of Maps in Courthouse/Courthouse Plaza

Randy Russell presented a request to put up the Lova Trail Maps outside the Commissioners Room at Courthouse Plaza. An attempt was made to put these up at the Community Center but that did not work out. Rob did the maps and there may be a possibility of scaling these down.

The Commissioners requested to see the maps prior to making a decision. The size of the maps was of concern. The Commissioners did suggest to have it placed on the walls inside the Courthouse would be better.

WILLIAMS GAS PLANT AND PIPELINE SPECIAL USE PERMIT. APPLICATION: WILLIAMS CO.

Planner Randy Russell, Don DeFord, Bob Gardner, Project Manager Tom Watson, and Dave Cesark were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Pro-tem Stowe swore in the speakers.

Randy Russell submitted the following Exhibits: Exhibit A – Proof of Publication; Exhibit B – Proof of mailings and certifications of public notice and photograph; Exhibit C – Special Use Application and materials with revisions to-date; Exhibit D – Garfield County Comprehensive Plan of 2000 as revised; Exhibit E – Garfield County Zoning Resolution of 1978 as Amended; Exhibit F – Garfield County

Subdivision Regulations of 1984 as revised; Exhibit G – Construction Permit Application dated 12/2001 for the Parachute Creek Gas Plant to the Colorado Department of Public Health and Environment requesting an Air Quality Control and Construction Permit; Exhibit H – Facmille received from the Air Pollution Control Division dated 5/7/2001 certifying that air and construction permits have been granted on May 6;; Exhibit I – Copy of the BLM and Environmental Assessment Review Copy received 3/28/2001 for the proposed Williams Pipeline Corridor soliciting comments undated and unsigned; Exhibit J – Staff Report and also containing the following: Exhibit K – Letter from Resource Engineer dated May 1, 2002; Exhibit L – Electronic mail from the Lower Valley Trail Group dated 5/8/2002; Exhibit M – Letter and submissions from the Town of Parachute submitted 5/11/2002; Exhibit N – Letter from the Division of Wildlife dtd 5/1/2002; Exhibit O – Memorandum from Steve Anthony, Garfield County Vegetation Management, dtd 5/1/2002; Exhibit P – Response Form from Garfield County Road and Bridge dtd 4/29/2002; Exhibit Q – Response from Grand Valley Fire Protection District dtd 4/30/2002 and Exhibit R – Letter from the Corp of Engineers dtd 3/27/2002.

Chairman Pro-tem Stowe entered Exhibits A - R into the record.

This is a request for review of a Special Use Permit to allow for Natural Resource Processing, Offices, Equipment Storage, Product Storage and Transfer Facilities and Pipeline Construction.

The application is being made for an approximate 1370 acre tract of land previously utilized as part of Union Oil Company's Man Camp facility. Parachute Creek bisects the property and access is currently provided and proposed off of CR 215. Randy reviewed the project information and staff report including the description of the proposal, relationship to the Comprehensive Plan of 2000, referral comments, site visit observations, zoning, suggested findings and recommendation.

Recommendation:

Staff recommends **CONTINUANCE** of the review period and public hearing for this special use permit, subject to the applicant's willingness to waive the 60-day decision-making requirement, based on the following concerns:

1. A detailed Storm Water Run-Off and Drainage Plan have not yet been submitted. The nature of the materials stored on site and the proximity of the site to Parachute Creek demand a level of detail in commitment to containment. The applicant has referenced verbally in narrative portions of their application some of the standards that they plan to incorporate and adhere to, but has yet to submit the schematic that would demonstrate how storm water, drainage, levels of containment and related issues would fit together and be placed on site.
2. The applicant has submitted an incomplete Site Reclamation Plan. While accounting for re-seeding and monitoring of construction disturbances and committing to a Weed Control Plan, the applicant does not address the end of the useful life of the processing facilities or pipeline, and plans to reclaim these sites once processing and/or transportation cease to be a use and the SUP is terminated. This information is necessary for the BOCC to make a determination on what, if any, security arrangements will be required to guarantee future site reclamation. Furthermore, the applicant is requesting a waiver and termination of previous SUPs that applied to the site which still contains older and now unused infrastructure that have current reclamation issues attached to them (water tank, roads, pipelines) from previous uses granted under those SUP's. A site Reclamation Plan should also address reclamation of those inherited facilities with specified time commitments.
3. A variety of concerns and questions about water and water related issues have surfaced as a result of the recently finished review period from a variety of sources. These issues are of a complex enough nature that a last minute attempt at clarification and submittals may not be feasible and probably would not be prudent in terms of the ability of county staff and consultants to review and verify new information. Staff suggests that a report addressing the following areas will be necessary to allow informed decision-making at a subsequent hearing date:
 - A. A letter from the Town of Parachute approving and guaranteeing in perpetuity use of municipal water provided through a tap at the current Williams Office at 1058 CR 215, or any other tap, for uses in filling a cistern, and any other uses at the proposed site, should the applicant desire to provide potable water at the plant site in this manner.
 - B. A detailed explanation of current irrigation water rights and any ditch agreements, held by the current property owner, and potential uses of that water, or limitations on use, on site.

- C. A detailed explanation of sources and water rights for water to charge the pipeline for testing purposes.
- D. A detailed explanation of sources for water for dust control during construction of the plant and pipeline facilities and for maintenance of the site and reclamation efforts.
- E. A detailed explanation of well and water rights for any wells on site, any wells shared with American Soda or other neighbors, and a history of the deeds and transactions for such water rights and their current status and ownership. The object of this section of the report is an assurance of legal and adequate supply for all uses implied and proposed in the Special Use Permit application for any uses of well water.

Staff would propose that the granting of a continuance allow for the submission of new and revised materials, and comments from any source, and unfettered discussion about the project by any party or parties, during an extended review and comment period to end by a date certain.

Staff would further note for the record that any representations or commitments made by the applicant in this or any subsequent public hearing, as part of the public record, may be applied to the request as conditions of approval, unless approved otherwise by the Board of County Commissioners.

Applicant Response: Bob Gardner, Project Manager, Tom Watson, and Dave Cesark present. The staff comments are appropriate and requested a continuance until June 17th.

Public comments – Jim Lindauer – County Road 215 - Lives up Parachute Creek, North of Parachute and his concern is associated with the new processing plant, not opposed to the plant, lives just a few miles from the compressors and hears the noise. The new plant noise will reflect off the mountains. Concerns about water. The Valley is only 12 miles long. No study on the air quality and would like to see some background data and made available to adjacent landowners.

The State of Colorado Air Quality has agreed to work on the air quality issue. He is building a new house directly across from the Williams plant and wants to make sure the water and air issues are addressed.

After discussing the continuance with the applicant, it would be advantage to staff to have any new submittals by May 29th. Randy referenced that he would take comments until May 29.

A motion was made by Commissioner McCown and seconded by Commissioner Chair-Pro-tem Stow to continue this matter until June 17th

HICKS SPECIAL USE PERMIT. REQUEST TO CHANGE STATUS OF EMPLOYEE HOUSING TO FREE MARKET UNITS. APPLICANT: DAVID HICKS

David Hicks, Don DeFord, Mark Bean and were present.

[Note: March 11 – this issue was heard – Code Enforcement Issue]

David Hicks stated he did not have the proof of publication and returned receipts.

A date and new notices will be required. July 8, 2002

David Hicks stated that the analysis was done by his attorney and it states that he is not in violation of the County regulations.

CONSIDER THE APPROVAL OF AN AMENDED PLAT FOR LOTS H26 AND H27, ASPEN GLEN FILING NO. 7

CONSIDER THE APPROVAL OF AN AMENDED PLAT FOR LOTS 8 AND 9, ASPEN GLEN FILING NO. 1

Mark Bean reviewed the request. This is a request for lots H26 & 27, Filing No. 7 – drainage and irrigation easement. They are trying to give people a larger area moving lines in the golf area by moving it closer in. This was in relationship to their routing.

Staff recommends Approval, of the applied for Special Use Permit, with the following conditions:

Commissioner Stowe – changes were mentioned when Aspen Glen would be finalizing.

Mark submitted the date for completion was June 15th.

Commissioner Stowe wanted completion and the date the bike trail will be open to the public.

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Stowe that we consider the approval of amended plats for Lots H26, H27 and H28 all in Aspen Glen Filing No. 7 and Lots 8 & 9 in Aspen Glen Filing No. 1 and that we approve amended plats but that they not be signed until proof of completion of the bike path has been received and certified by the Aspen Glen's Engineer and that it is open to the public.

motion carried.

Parking

Additional discussion was held regarding parking: 1) Moving Road and Bridge – a need for several motor pool cars and they could be placed on that space until it is decided what the County will do. 2) Sheriff

requested for more restricted parking; 3) Boyd's Bail Bonds house has been sold for an office complex building, in fact all the buildings to the bail bonds to overpass; this may not be parking for staff. Don – parking lot next to the bail bonds will not be closed. This is County-owned land. Jesse mentioned he has not heard anything. Commissioner McCown not in favor of having any additional parking allocated to the Sheriff – they are no different from other County staff.

The City will issue fines for unauthorized vehicles. Courts have passes they can issue for jurors.

The new parking lot where the old jail was will be by permit only. MOC parking, the date is uncertain – indication that the City employees will park in the MOC lot. 63 parking spots in the new lot. The Sheriff has 20 spaces – next to the Sheriff's parking. Pitkin and 8th holds 20 spaces. Available June 15. Some staff members are using the bus. Mildred requested an assigned spot. 6 car lot in front of the Courthouse has 2 handicapped and the dumpsters are taking one spot. It was decided that Georgia, Mildred, Shannon, the Judges and Mac Myers have reserved parking spots. One for employee of the month. City issues parking passes at \$30 per month. No more Sheriff restricted vehicle spots. They shouldn't have more than 10 spaces; Dale to determine how much he has next to the detention facility. The parking at the Wye will stay the same. The City police department has some parking on 8th Street.

7th and Colorado Parking – Next MONDAY

Jesse will address this in a presentation for the Board.

Leave the motor pool at the Glenwood Road and Bridge shop for the present time and until the property is sold. Restricted – no parking overnight. No Parking after midnight.

FUTURE DISCUSSION

Commissioner McCown said that he favors selling the lot across to the apartment complex going in next door.

Executive Session – Discuss Possible Litigation – David Hicks Non-compliance Issue

A motion was made by Commissioner McCown seconded by Chairman Pro-tem Stowe to go into an Executive Session; motion carried.

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

ADJOURN

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Stowe to adjourn; motion carried.

Attest:

Chairman of the Board

MAY 20, 2002
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 20, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Award Bid To Odyssey Construction for Replacing the North Section Roof in the Amount of \$51,666.00 – Henry Building***

Tim Arnett, Richard Alary and Chuck Brenner were present.

At the last meeting, there was a question regarding the layer of asbestos – Richard Alary said was it was in all layers of the roof. Commissioner Stowe could not dispute it, but he really questioned the report. Chuck Brenner stated he was on premise when the testing was done and he could see that it was mixing in all layers. Tim Arnett presented the summary for replacing the roof and recommended Board action to award the bid to Odyssey Construction.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid to Odyssey Construction in the amount of \$51,666.00; motion carried

- **Airport Master Plan Discussion**

Brian Condie and Carolyn Dahlgren presented the materials for the work session for the Garfield County Regional Airport. Discussion included the following topics:

- A. The vision of the Board/Airport Manager
- B. Review objectives of the previous Airport Manager, Kenny Maenpa
- C. Review objectives of the present Airport Manager, Brian Condie

FOURTEEN OBJECTIVES

The primary goal is to understand the BOCC vision of the airport's current and future position and to manage the airport in that direction.

Complete the review of the Master Plan with Washington Infrastructures.

Plan, chart a timeline, and prepare for major runway improvement.

Categorize, schedule, and oversee airport maintenance projects.

Complete Environment Assessment process.

Review all 'lease to operate' permits, verify compliance with lease agreements, generate current leaseholder list, located potential lease space, assemble lease packets for future operators, and review lease rate schedule.

Analyze and prepare update for BOCC approval on existing rules and regulations, minimum standards for commercial aeronautical activities, airport development standards, and other policies and issues regarding aviation activities.

Request to attend AAEE, regulations, and minimum standards workshop, June 24 – 25, 2002, in New Orleans, LA. The AAEE workshop will cover the following areas:

Review minimum standards to ensure they are correct, consistent, and compliant with all directories.

Examination of lease term, rate, and policy.

Development of guidelines from 'lessons learned' at other airports.

Implement plan with David Baratta, VP Denver ARTCC, to increase arrivals into Rifle Airport during FIRE conditions.

Prepare annual budget, maximize revenues, and minimize expense.

Work closely with Rifle City on aviation easements, community needs and developments in light of new growth around the airport.

Initiate rapport with key aviation personnel in Colorado, specifically:

Kenny Maenpa – Previous Airport Manager	
Craig Sparks -	Denver FAA-ADO
Gregory Dyer	FAA Northwest Mountain Region, Manager
Bob Lohne -	CDOT, Senior Aviation Planner
Caroline Scott	CDOT, Aviation Grants Administrator

Don Castellano Washington Infrastructure Services Inc.

Local airports, FBOs and others.

Create schedule on non-aviation related airport activities, i.e. Balloon Fest, W.C. M. S. P.

5 on Kenny's list is very important – to solidify FAA and CDOT support for year 2004, 05, & 06 airport upgrades. Keep updates on airport activity and types of uses the airport is experiencing as each year passes. Brian will include this in his plan under #3.

Leases

Space is currently available and leases should specify where potential Hangers will be located. Brian stated there is a lot of potential for the airport.

Out-of-State Travel – Brian Condie

A motion was made by Commissioner McCown to authorize the travel requested by Brian Condie.

Commissioner Stowe seconded the motion.

Commissioner Stowe will also be in the Area and will try to attend as well.

Motion carried.

A meeting the Pitkin County Airport is set for May 31st. Meetings have also been held with the Eagle Airport.

Leases with Department of Social Services Mountain View/Taughenbaugh Buildings

Dale Hancock, Richard Alary, and Jesse Smith reported on the guidelines for payments.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the lease in the amount of \$9,477.00 per quarter for Social Services for the Mountain View Building; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the lease in the amount of \$10,500 per quarter for Social Services at the Taughenbaugh Building; motion carried.

- ***North Parking - Old Jail***

Dale Hancock and Richard Alary handed out materials and said that lighting and green space was a requirement of the City of Glenwood Springs. Jesse discussed this with the Board at the last meeting. Dale provided the Board with the design and an assessment of what parking is available. They have outlined three segments – the segment on the far west is where the Board agreed that the Sheriff's vehicles should reside. Commissioner Stowe – other than the Sheriff has indicated he needs more spaces. Ed said he talked to Tom on Friday and the second part is the island on the east side with about seven spots. His concern with that is public traffic in that island because it goes straight into the Sally Port. What Tom is concerned about is if somebody stops and wants to transfer items from one car to another or double parks there where he doesn't have control and can't get into the Sally Port. Tom doesn't have a problem if there is dedicated parking for example other elected officials. The other segment and the question is do we want to set this aside strictly for County purposes for County employees, jurors or make it open. Chairman Martin favored making it for the County employees.

- ***Elected and Court Official***

The elected officials and the court system are looking for places to park. The jury selection and jury parking was advertised that parking was available on the north side of the Courthouse. The MOC is also on the north side of the Courthouse and Chairman Martin thought it would be under construction fairly soon, which will eliminate that area for a time and therefore another reason to consider the old jail parking as permitted parking only. The east side of the Courthouse was discussed and the Board decided this area would be converted only handicapped spaces by putting in a retaining wall and raising the area. *Dumpster location* was suggested to be next to the generator in the island in front of the Sally Port. Richard said we would have to come up with some funds to fence it in. It is a 40-yard capacity dumpster. Dale mentioned they were trying to establishing the County buildings are cost centers. The Sheriff will use the west side of the Sally Port – 16 spaces. Sally Port side of the island will be designated for the elected official's parking spots and court officials. The parking lot at the corner of 8th and Pitkin, currently being used as the staging area for Courthouse Plaza, was discussed for use by Motor Pool.

Dale mentioned they were trying to establishing the County buildings are cost centers.

- ***Across the Street on Colorado - Eastern Parking Lot***

This parking lot will be used for permitted parking for the Courthouse employees.

- ***Southwest Parking Lot***

Don reported the encroachment of city parking at the 8th & Pitkin with their construction of 8th Street. He presented the map. Don has been in touch with Teresa Williams who said they were basing their

construction on the survey, which the County had done in 1987 as part of one of our original jail proposals. The lots 1, 2, and 3 are the ones the County owns by deed. We do not own anything outside of those and there is a 75 foot right of way for 8th Street at that point. At Don's request Teresa Williams contracted some individuals in the City to see how they were going to go about this and as to our property they do not intend layback the slope at this point, they do intend to build a retaining wall on 8th Street. That is not the case with Youthzone Facility; they have an agreement with Youthzone that instead of a retaining wall they will lay the slope back. What we will end up with literally is lots 1, 2, and 3 as we will have to access this on Pitkin instead of on School Street. We will lose our parking spaces along the right of way that goes back to the sidewalk. If the City prefers to put an 8 foot sidewalk as to have extra parking, that's their call. The City envisions 8th Street as the artery to downtown eventually, but presently it's a street to know where. Richard said the 75 foot right of way is on the County side, the City side goes up to the building and their building is out into their 75' right of way. Jesse projected if they allow parking it will be permitted parking and they will provide City permits. The City's lot only has eight (8) parking spots in it. On our southwest parking lot, there will only be fourteen (14) spots. Ed suggested setting this completely aside for motor pool vehicles, designated vehicles, social services may have, and building and planning vehicles, HOV, and it would be for County parking.

Commissioner McCown suggested we keep looking for a place for our Motor Pool vehicles. He didn't think it was the best use of either parking.

Railroad Parking Lot – Jesse explained that a notice to terminate the lease was forwarded to the City of Glenwood Springs. Thus far, he has heard nothing from the City. Commissioner Stowe felt the County has met their obligation to the employees.

- ***Courthouse Plaza Schedule***

Ed reported that June 26 is the completion date; two months ahead of schedule. Moving in is projected for June 29 and 30.

COUNTY ATTORNEY UPDATE – DON DEFORD

Taughenbaugh

Carolyn Dahlgren asked that Ed Green be authorized to sign the closing documents for the land for the Taughenbaugh extension. Wells Fargo will release the land today. The sellers have asked that the County cover some of their closing costs. This is an additional cost of \$382.90 in addition to the \$5,000 for the land for closing. The County has also purchased the title insurance. This includes currier fees, record releases, and taxes for the current year, real estate closing fees, and a bank fee of \$250. The taxes are only \$2.90 but Ed wasn't sure the County could pay. Commissioner McCown asked if we met the terms of their sale price. Carolyn said the folks that were selling the property didn't understand there would be these additional costs. Commissioner McCown made a motion to authorize Ed Green to proceed with signing of the documents and to pay these additional costs if we can legally do so. Commissioner Stowe seconded. Discussion was held regarding the other time there was a contract authorized to purchase this same property. Chairman Martin said they withdrew their plans; the property changed hands. and motion carried. Closing is set for 4:00 PM on Wednesday, May 22.

EXECUTIVE SESSION - *Guidance for Preparation of Negotiation Perimeters on the Silt Road and Bridge Property, Directions to Staff on Property and Update on all the various forms of Litigation and a Personnel Discussion*

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

Don DeFord, Jesse Smith, Ed Green, Carolyn Dahlgren and Mildred Alsdorf were requested to remain. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Lova Trails - Silt Town Hall on Monday, at 6:30 PM; Rural Resort in Waldon on Thursday; Jury Duty – Tuesday.

Commissioner McCown – 7 AM, Tuesday, Mayors Breakfast in Glenwood Springs; Wed. 9:30 AM, Battlement Mesa Activity Center with representatives from Delta County discussing upcoming natural gas activity in the Delta County area, they are wanting information on our history. 7:00 PM at the Courthouse is the meeting with all the Fire Departments and Fire Districts in the County on areas not included in the area.

Chairman Martin – Governor Owens and Town Meeting 9:00 A.M. and he will be declaring Glenwood Springs as the State Capitol for a day and possibly signing some bills into law –Courthouse Room 301;

Glenwood Post/Independent invited everyone on Thursday to their parking lot at 5:30 PM, to celebrate the Local Choice Awards.

Ed Green – Staff will have Process Improvement Training on Thursday as part of the strategic plan, Recreational Center.

CONSENT AGENDA

- a. Approve Bills
- b. Sign the Final Plat and Subdivision Improvements Agreement for the Roaring Fork Preserve Subdivision
- c. Sign the Exemption Plat and Resolution of Approval for the John Martin Subdivision Exemption
- d. Sign Resolution of Approval for Glenwood Caverns Special Use Permit

Chairman Martin requested to discuss this issue separately.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items A through C; carried.

Item d discussion held until the end of the meeting.

Open Space Funding – Inquiry

John Haines appeared before the Board inquiring as the open space funding. Mildred stated the money has not been collected. Attorney Charles Willman is attempting to get together with his Board to see what they do. It's a work in progress.

ORDINANCE – FIRST READING OF AN ORDINANCE TO ESTABLISH AUTHORITY FOR CONSENT TO USE THE GARFIELD COUNTY JAIL (DETENTION CENTER)

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. This is the only separate reading of this Ordinance and established that the Board had in front of them the draft of an Ordinance establishing the basis for consent to use the Garfield County Jail. All that needs to occur today is a reading can occur solely by a reading of the title, by statute and read the title into the record. With this then the Board is entitled to proceed to the full hearing pursuant to notice, which will be June 3. Don said he also sent to the municipalities a draft of a proposed IGA. Chairman Martin has had inquiries on the IGA from both Silt and Carbondale on clarification of what was said at the public meeting last time as what was in written form as there a conflict. Don advised the Board that this is the first reading of the Ordinance discussed at the May 6, 2002. Don submitted the following Exhibits: Exhibit A – Proof of Publication.

Chairman Martin entered Exhibits A into the record.

Chairman Martin swore in the speakers.

John Haines asked, for what they were going to use the jail. Chairman Martin – for housing prisoners. John – do you have to okay to house prisoners? Chairman Martin – an ordinance by statute to allow an IGA to allow the municipalities to use the County facility. It's for municipal prisoners who have been sentenced by municipal courts to be housed in the facility and the proposed rate is \$15 a day.

David McConaughy – Leavenworth and Karp, attorney for New Castle – hasn't seen the IGA and would perhaps comment after review. Don advised the Board regarding the comments from the Town of Silt saying they had some minor changes regarding technical such as they want the Agreement indemnification to survive the agreement, but one substitutive change they requested is that the Agreement and the Ordinance anticipate that medical costs will be the responsibility of the municipality for prisoners we are holding. They would like the County to be responsible for medical costs to the extent that those costs are attributable to the actions of the County, i.e. the prisoner is injured after the prisoner is incarcerated in the jail. Chairman Martin would like to defer to the Sheriff to see how his current policy addresses that situation.

REQUEST FOR APPROVAL OF A REQUEST FOR REVIEW OF A PRELIMINARY PLAN FOR A TWO LOT SUBDIVISION ON 4.4 ACRES. LOCATION: 0288 VAN DORN ROAD, CHELYN ACRES. APPLICANTS: KENNETH AND CAROL CALL (LJ SUBDIVISION)

Don DeFord, Kim Schlagel, Ken Call and Dennis Stranger were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kim submitted the following Exhibits: Exhibit A –Letter from the Colorado Geological Survey, Celia Greenman dated April 18, 2002; Exhibit B – Letter from the Garfield County Road & Bridge – Douglas Thoe dated 4/24/02; Exhibit C – Letter from the Glenwood Springs Fire Department – Ron Biggers dated 4/5/02; Exhibit D – Letter from the Division of Wildlife – Justin Martens dated March 15, 2002; Exhibit E

– Steve Anthony Memorandum dated 4/9/02; Exhibit F –Letter from Ken Call dated 4/22/02; Exhibit G – Letter from Ken Call regarding Weed Management dated 4/22/02; Exhibit H – E-mail from the Glenwood Fire Department – dated 5/06/02; Exhibit I – Green and White Returned Receipts; Exhibit J – Proof of Publication; Exhibit K – Staff Comments; Exhibit L – Application material; Exhibit M – Garfield County Zoning Resolution of 1978 as amended; Exhibit N – Garfield County Subdivision Regulations; and Exhibit O – Garfield County Comprehensive Plan.

Chairman Martin entered Exhibits A - O into the record.

This is a request by the applicant to divide a 4.4 acre parcel into two lots just over two acres a piece. The existing house already has a permitted access point and driveway off of Van Dorn Road in Chelyn Acres. The project information and staff report were reviewed including the relationship to the Comprehensive Plan, Zoning Resolution, Referral Agencies' Comments, Recommended Findings and Recommendation. Dennis Stranger mentioned they agreed with the Planning Commissioner recommendation and conditions as listed.

The Planning Commission recommends Approval of the LJ Subdivision Preliminary Plan to the Board of County Commissioners, with the following conditions:

1. That all representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval, unless specifically altered by the Board.
2. The Division of Wildlife recommendations shall be followed including:
3. Moving the building envelope on Lot 1 as far south as possible to maintain the native mountain shrub communities existing on the site.
4. Fencing should be held to a minimum with a maximum height of 42" for wire fencing and with no more than 4 strands and a 12' kick space between the top two strands
5. Rail fencing shall have a maximum height of 42" with at least 18' between the two rails.
6. Mesh fencing is strongly discouraged
The applicant shall use bear-proof trash cans
All pets shall be fed indoors
Birdseed feeders should be strung at least 10 feet from the ground with seed catchments to discourage other wildlife foraging.
7. The appropriate Traffic Study area fees in the amount of \$264.00 per determined ADT minus the appropriate discounts will be paid at the time of Final Plat. School fees, as to be determined will also be paid at the time of Final Plat.
8. The applicant shall submit covenants for the subdivision which shall include: Enforcement provisions regarding dogs and exterior lighting pursuant to Section 9.15 and 9.17 of the Subdivision Regulations
9. Weed Management Plan approved by Steve Anthony, Weed Management Director.
10. The Division of Wildlife recommendations as listed in Condition No. 2 above
ISDS Management Plan Approved Wildland Fire Hazards Fuels Mitigation Plan
Provisions of the Homeowners Association, which will own and operate the water system along with the proposed method of financing the system.
11. The newly created lot, Lot 1, will have access from Van Dorn Road on Driveway Option # 1 listed on the submitted Preliminary Plan Plat per Road and Bridge recommendations.
11. The following Plat notes shall be included on the Final Plat:
 - a) "No further subdivision of these lots shall be allowed."
 - b) "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."
 - c) "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."

- d) "All structures shall have engineered foundations per HP Geotech recommendations."

Dennis Stranger concurred with the conditions recommended by staff.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for preliminary plan for a two lot subdivision with the conditions of the Planning Commission 1 – 6 in its entirety; motion carried.

Ken Call complemented Kim Schlagel on the way she handled the application.

ZONE DISTRICT AMENDMENT FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY (AR/RD) TO RESIDENTIAL/LIMITED/SUBURBAN DENSITY(R/L/SD) FOR PROPERTY LOCATED ADJACENT TO THE NORTH SIDE OF THE WESTBANK SUBDIVISION. APPLICANT: MARLIN (COLORADO) LTD.

Attorney Richard Neiley, Attorney Steve Beattie, Mark Bean and Don DeFord were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application; Exhibit D – Project Information and Staff Report; Exhibit E – Garfield County Zoning Resolution of 1978 as amended; Exhibit F – Garfield County Subdivision Regulations; and Exhibit G – Garfield County Comprehensive Plan. Chairman Martin entered Exhibits A - G into the record.

This is a request for approval of a Zone District Change from A/R/RD to R/L/SD for Marlin (Colorado), Ltd. on a parcel located approximately one (1) mile south of Glenwood Springs, at the end of Oak Lane in the Westbank Subdivision. The site is .461 acres. The tracts of land are designated as medium Density Residential (6-less than 10 du/ac) per the Comprehensive Plan of 2000, Study Areas 1 – 3.

The subject property is located on a hillside on the west side of the Roaring Fork River, at the end of Oak Lane. The applicant's property isolated on a piece of property adjacent to the north side of the Westbank Subdivision and is presently unimproved, except for a road easement crossing a portion of the property. The applicant is requesting that the property be rezoned as a requirement made by the Board of County Commissioners to complete an amendment to the Westbank Ranch Planned Development Subdivision, Filing No. 1. The property being rezoned will be conveyed to the Westbank Homeowners Association and it will become a part of the Common Open Space in the Westbank subdivision.

Mark continued to review the major issues and concerns; compliance with the Comprehensive Plan, the error is established zoning (the staff cannot conclude that the property was zoned in error), Change of Circumstance (ranch land to development), suggested findings and the recommendation.

The Planning Commission recommended Approval of the application for a zone district amendment from A/R/RD to R/L/SD.

Attorney Richard Neiley – Pursuant to a Resolution 2002–33, which approved an Amendment to the Westbank Ranch, Filing No. 1 Plat, two conditions were imposed; Condition No. 3 was to increase in the parcel of and conveyed to Westbank Ranch Homeowners Association to 20,000 square feet, we've done that, it's 20,146 sq. ft. and Condition No. 4. which was that we see rezoning from A/R/RD which is the current Prehm Ranch zoning to R/L/SD which is the Westbank Ranch zoning, that is what this application is intending to accomplish.

Attorney Steve Beattie for the Westbank Homeowners Association – The application has the support of the Westbank Ranch Homeowners Association; the Association believes that conveyance of the open space strip is consistent with the objectives to protect the subdivision from public access through Prehm Ranch. The Association believes that the concept of open space is good and not inconsistent with any of the Commissioner's objectives. We would not that final plat documents are not yet created based on the final approval on April 8, but is in the process of being finalized by Marlin engineering firm, High County Engineering and will be imperative for both Westbank and County staff review them to make sure that they are fully accurate, but Westbank believes that the approval of this Zone District Amendment is in his

interest and the public interest. Three representatives from the Westbank Homeowners Association were present with Steve.

Rick Neiley – called attention to two errors on the draft plan that will need to be corrected. One is that the zone district particular for the Ranch representatives, is A/R/RD and need to be AR/R/RD and the second is the numbers may not be accurate, we believe the accurate acres conveyed to Westbank is point four-six-two (.462), it's reflected as point four-six-one (461) in one area and a different number elsewhere.

Commissioner McCown moved to close the public hearing; Commissioner Stowe seconded, carried.

Commissioner Stowe made a motion to approval the zone district change from AR/R/RD to R/L/SD as submitted by Marlin Limited with recommendations of staff. Commissioner McCown seconded.

Chairman Martin – I will stay with my original opinion of this, I don't believe that it fits the criteria, I think that it goes beyond the scope of changing the existing zoning because technically it does not meet our rules and regulations, so I'll stand on that one, but all those in favor of the motion. Stowe – Aye; McCown – Aye; Martin – And I'll oppose.

SUBDIVISION EXEMPTION FOR A 45-ACRE TRACT OF LAND TO BE SPLIT INTO 3 PARCELS,

LOCATED SOUTHWEST OF RIFLE, OFF OF CR 321. APPLICATION: BETH BROCK

Beth Brock, Don DeFord and Mark Bean were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application and all attachments; Exhibit D – Project Information and Staff Comments; Exhibit E –Memo from the Road and Bridge; Exhibit F – Letter from Ertl Enterprises; and Exhibit G – Letter from the Rifle Fire Protection District; and Exhibit H – Letter from Arthur and Shelia Estes in support of Beth Brock. Chairman Martin entered Exhibits A – H into the record. Exhibit H was also entered into the record.

Mark – This is a request for review of the Brock Exemption from the rules of subdivision to split approximately 44 acres into three parcels. The parcel lies southwest of Rifle on Taughenbaugh Mesa with access off CR 321. The applicant proposes to divide approximately 45 acres into three parcels of approximately 5, 5, and 34 acres.

Mark reviewed the project report and staff report including the review agency comments, major issues and concerns, and the following recommendations:

1. That all representations of the applicant, either within the application or stated at the
2. 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;
3. That the applicant shall have 120 days (until 8/8/02) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption, unless an extension of time is requested by the applicant and approved by the Board;
4. That the applicant shall submit the applicable School Site Acquisition Fees (\$400.00) for the creation of the exemption parcels prior to approval of the exemption plat;
5. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.
6. The recommendations made in Colorado River Engineering's report, dated 12/27/01, shall be followed. The well sharing agreement shall be provided prior to final approval of the exemption lots.
7. Only one access from the County road shall be provided, and an access permit shall be obtained from the Road and Bridge Department for the access; All Road and Bridge recommendations made in the access permit shall be followed;
8. All recommendations made by the Rifle Fire Protection District in their letter dated 5/21/01 shall be followed.
9. 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 owner's 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 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."

"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: Beth Brock submitted an updated letter from the Rifle Fire Protection District dated 01/10/2002 Chairman Martin entered this as Exhibit I into the record.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Brock exemption from the rules of subdivision with the conditions of staff 1-9 also, the recommendations of the applicant's engineer that did the design of the water system to be incorporated; motion carried.

SAND AND GRAVEL SURVEY COMPLETION

Randy Russell, James Capper State of Colorado Division of Minerals and Geology and Beth Widmann, Colorado Geological Survey Geologist were present.

Randy reported the County put up \$7,000 for what was a \$25,000 grant. Jim Capper – presented a video showing the quality of the sand and gravel resources. Beth Whitman – presented a video presentation on the results of the survey. The goal was to locate sand and gravel resources from Glenwood Springs to DeBeque. They gathered the maps that were completed from 1986 to 2001, grouped them by similarities and date and assigned them a rating. Then they went into the field and collected 30 samples. The results showed the highest grade of sand and gravel deposits lie along the Colorado River between Silt and the Mesa-Garfield County line just east of DeBeque. We came here to help you find alternative sand and gravel resources; the trouble on the Colorado River is it's environmentally and politically sensitivity. The survey also found two areas of high-grade gravel on Garfield Creek south of New Castle and Divide Creek south of Silt. A lack of water at those sites would lime sand and gravel processing. Gravels found along the tributaries of the Colorado River also are not suitable for cement and asphalt production. Randy said Rob Hykys will be able to put this information into our GIS and have it available as part of our labor in progress. This will be real valuable to us as we move into opportunities and constraints down the road. I feel pleased as a result of that conversation and appreciated the folks coming over and that the County was able to take advantage of some funding opportunities and put this information on a data base.

Commissioner McCown agreed that this is some "nice to know information" and it's very important, but now how do we prioritize the area along the Colorado River when we're talking to the Lova Trails people and people that live in Stillwater that don't want to look down and see a gravel pit. We are heading there and it will be a time to fish or cut bait when they want asphalt and concrete and no gravel pits. Jim added that the Beth's report will be available to the public at the Colorado Geological Survey Office in about one month and this will include all the 24,000 geological maps. The Commissioners acknowledged that this was a very good report.

SUBDIVISION EXEMPTION FOR A 20-ACRE TRACT OF LAND TO BE SPLIT INTO 2 PARCELS LOCATED SOUTH OF GLENWOOD SPRINGS: APPLICANT – JAMES MAYAN

Don DeFord, Mark Bean and Charlie Willman representing the applicants were present.

Chairman Martin requested that Charlie identify himself for the record. Charles Willman of the firm Charles H. Willman, PC, I'm an attorney and licensed in Colorado and I represent the applicants. I've just

handed Mr. DeFord copies of the notices for this meeting, including the public notice published in the paper.

Chairman Martin – Mr. DeFord you have the floor. Don DeFord – Questioned Charlie Willman regarding the verification of property owners within 200 feet through use of the Assessor's records. Charles Willman – Mr. Mahan did that and assured me that he had reconfirmed the addresses of which he had sent previous notices with respect and remain the same, there were no additions or changes. Don DeFord – All right. Did you include in the mailed notifications of any mineral owners or lessees of record? Charles Willman – To the best of my information, we have.

Don DeFord – Okay, that's from the property owner. Charles Willman – Right. Don DeFord – And in a similar manner, did you include in the mailing any public landowner such as Bureau of Land Management? Charles Willman – We did. Don DeFord – Okay. Have you given me proof of mailing through returned receipts, proof of mailing and returned envelopes? Charles Willman – That's correct. Don DeFord – Okay. Was the property posted giving notice of today's hearing?

Charles Willman – It was, the public notice, the posting actually was taken down inadvertently early Friday about mid-morning and I re-posted it myself later in the day on Friday. So it was down for about three or four hours Friday afternoon, or maybe even longer, I don't really know. Don DeFord – When was it first posted? Charles Willman – It was uh, uh, April 16 or 17, I remember the day that Mark gave us the notice, it was shortly after the last time I appeared in front of you and it's been up since then. Don DeFord – Okay. And was it visible from a public right of way? Charles Willman – Yes it was. Don DeFord – Which right of way? Charles Willman – The Black Diamond Road, is that County Road 126, I believe. Don DeFord – Okay. I have in hand also Mr. Chairman a proof of publication that is dated April 17; I think with the testimony of Mr. Willman, the various documents concerning mailing that I have in hand and the proof of publication, you're entitled to proceed.

Chairman Martin – All right, thank you. Challenges to the notification? You have a question, yes sir. Will you identify yourself, please? For the record, my name is Ken Green, I own the property adjoining Mahan, they, apparently Mr. Willman informed me earlier they had sent notification to my old address in Aspen, it came back, because I've since moved; and for the record I am here, present. Chairman Martin – Sir, do you object to the notification? Ken Green – No sir, no sir, I just wanted to note for the record that I am present but there was no notification sent me. Chairman Martin – All right, we have no challenges to the notification. Ken Green – No sir.

Chairman Martin – And we notify that, identify that Mr. Green as present, adjoining property owner. All right. For that wish to give testimony, please raise your right hand, you promise to tell the truth, the whole truth, and nothing but the truth? And, the answer is I do. Audience – I do

Chairman Martin – Okay then, all right, Mr. Bean do you have any items you wish to introduce.

Mark Bean – Mr. Chairman, yes, I'll like to enter as exhibits, Exhibit A – would be the Proof of Publication; Exhibit B – the Returned Receipts; Exhibit C – would be the letter from Mr. Willman along with the Attachments included in that which includes a deed uh for the property itself as well as a, call it a flow chart of ownership between the Carnes and Williams properties themselves; and Exhibit D - actually was Exhibit D the last time ironically in the previous application which is the Resolution that was for the Mr. Williams property itself which is actually recorded in Book 751, Page 221; Exhibit E – Minutes that staff found regarding a decision of the Board of County Commissioners regarding properties in this area dated October of 1975; Exhibit F – are Minutes also from the Board of County Commissioners regarding exemption decisions made by the Board in March of 1975; Exhibit G – is a Resolution appears to have been dated in 1975 for the Carnes property; and then I guess I'll get formally I also should enter Exhibit H would be memo that I've included on top of the staff report, or staff comments that included all the information. Chairman Martin – All right. Exhibits A through H will be entered into the record. Mr. Willman, did you receive copies of those exhibits? Charles Willman – No, I've not seen E, F, or H, Mr. DeFord did send me a copy of G over uh Friday after he and I spoke, but I didn't see the other ones.

Chairman Martin – Can we furnish copies to the applicant? Mark Bean – In your staff packet, do you have one? Chairman Martin – Okay, we'll bring them to you. Charlie Willman – I can just look through at yours, I can get copies. Don DeFord – Mr. Bean, are you also incorporating in your exhibits all of those exhibits submitted at the hearing I believe was in April. Mark Bean – Yes sir, that will be correct, that would be appropriate I should say, Exhibit I since this technically is a re-opening of the entire discussion regarding the April discussion itself, so everything entered at that, exhibits and all discussion at that time would be included, so the original application by the Mahan's for the exemption application itself would be Exhibit I.

Chairman Martin – Any objects to that to the Board. Commissioner Stowe and Commissioner McCown – No. Chairman Martin – No, so entered as I.

Mark Bean reviewed the memo regarding a letter with supporting documentation from Charles Willman that states that the resolution the Board relied upon, as a basis for the denial of the Mahan exemption request does not apply to the property in questions. Mark agreed that Mr. Willman is correct in his assertion that the resolution cited as a basis for the denial of the requested exemption does not apply specifically to the Mahan tract. However, he referenced the minutes for the Board decision on the Williams tract, which is also the tract subject to the previously noted resolution. Staff found the minutes and the resolution for the Carnes tract, which included the Mahan property. The resolution did not include the same language regarding the covenants. It does include interesting language regarding the status of the road through. And, this is something of which the Board should be aware. Mark also pointed out again that the subdivision exemption process is discretionary and the Board is not obligated to approve an exemption. The issue that has not been fully explored in previous discussions because the applicant had not provided any information or argument, is the issue of whether the “county road prevents the joint use of the tracts in question.” It is still staff’s position that the applicants have not presented evidence that would show that the public road being identified as the basis for the split prevents joint use of the tracts.

Charlie Willman presented a chain of title diagram prepared by John Schenk some time ago when this issue came up in 1989 or 1990 when the County previously approved a subdivision exemption quite similar to the one that is before the Board of County Commissioners. The common title to the various parties at issue originated with the Davies, et. al. Of significance is the fact that the deed from the Davies to Harry E. Williams, who is the predecessor in title to Ms. Harris and Mr. Hines and in the deed to the Ben E. Carnes, who was the predecessor in title to Ms. Stephenson, Mr. Green and the Mahan’s convey the property with no covenants or restrictions.

These were documents submitted at the 4/8/02 hearing. This does not apply per the chain of title. Mr. Willman claimed that the terms of the resolution that the Carnes on their property abandoned those covenants. Therefore this addresses that issue. Now Mark raised another issue with respect to whether the county road prevents the joint use of the tracts in question. He submitted by sufficient evidence that there are residences on each side; the most efficient use is to split it by the County road. The whole purpose is to use the land in the most efficient manner, which is to allow development.

Attorney David McConaughy for Dennis Hines and Kathy Harris submitted handouts with additional exhibits and stated there were three people to present testimony, and then he would present his argument. Mr. McCartney presented a Binder of information outlined with bullet point to deny the request to subdivide for development and eight separate exhibits. Chairman Martin entered this as Exhibit J into the record. Mr. McCartney went through each of the exhibits 1 – 8. He highlighted a finding of fact that Mr. Carnes in fact represented to this Board in 1975 that no further subdivision would occur and that would be enforced through the position of private covenants. He added that he was not here requested the Board enforce private covenants; they were asking the Board to keep that promise valid that was made to the Board in 1975.

Patrick Fitzgerald – 0600 CR 138 – reiterated that he was not here as a realtor, in fact he was not representing any buyers of sellers and just here as a historian. In the early 70’s he lived on the north side of what he called the Black Diamond Ranch and the property owned by the Davies family became available for sale; he put together a partnership of six individuals from Grand Junction who wanted to make this are a low density subdivision and they took the actual deed restrictions he had placed on his own 40-acres and placed the same on this property. Not sure why Carnes was any different than Williams property. The intent and representation from the County Commissioners was not to allow this to be further divided; he was a partner but did not put as many dollars in but he was allowed to sign the mortgage. It was the intent and Commissioner Mattivi made in his motion as a condition of the approval that those covenants went with the approval. Another point that needs to be made is that the land in question has now had its four splits and it’s been the Board’s policy if you want more than four splits, you do a formal subdivision application. The road issue, the fact of what is now a County Road goes through the Mahan property and he believes is only a road issue because since Mahan acquired the property, he’s added year round full time residences on either side of that road. When Pat acquired the property on one side was the Davis’s homestead, a log home in which they had resided until the 50’s and on the other side was the shell of a one-room cabin with no facilities that they used as what he called a bunkhouse when the kids came back to visit after moving away; there was no running water. Since that time, two other residences have popped up on the property. The road wasn’t an issue for the Davies family, it wasn’t an issue when we sold it to Jimmy Sills and he raised his

family up there; he sold it to Molly Christensen and Larry Halford and they raised their kids there and it wasn't an issue and they sold it to Elmer Claycomb and it wasn't an issue with Elmer who later sold it to the Mahan family. Pat said, his statement to the Board is one of the intent of the parties and everybody knew what the deal was going in. From my standpoint I'm just here for what's right and what was promised to all the neighbors and for what I see is what's legal. Commissioner Stowe asked at the time that Elmer sold it onto the Mahan's had he developed those residences on the other side to a larger degree with the water in the cabin at that time. Pat said he didn't know. He had moved by the time Elmer purchased the property.

Kathy Harris, an adjoining property owner and lived on the property since 1976 when she built her home. I bought this land, I have ten acres, I do so because of the quality of life that it would offer and the low density controlled environment and that it was protected by deed restrictions. It was my understanding, when given the map of that entire parcel of land, the 260 acres, that each one of those property owners had those covenants attached. Those deeds were restricted and the No. 1 covenant was that there be no re-subdivision; that was important when she purchased the land. The water on that mountain is fragile, it's limited, when she purchase her property, Pat had put in a well that was to service two tens and a twenty. And over the years of living there just her own family and then the Longbonds built next to use, and we realized that there was a definitely a water problem. By the time Dennis Hines came in, he had to drill his own well, she took over for those three properties, the three parcels, and my use was limited from full use for the full forty-acres to just domestic use for my ten acres. The reason being, the water simply could not keep up with the demand. Water has been an issue, I know on paper water can look different than it does in reality. As far as the houses are concerns, to answer your question, it's my memory tells me that the Claycombs did not develop anything on the other side of the road but they use the cottage. That cottage has always been used with the main house, they're close to one another and since Mayans their family, their guests, and renters have stayed in the cottage and for a while, although she didn't know if there was running water in there or not. For a while when the family was in the cottage, they would walk across the street to the main house in their pajamas in the morning to use the bathroom, so that's how closely connected these houses are, this is one use and that's how it's always been since I've been up there. Mr. Mayan has a history of non-compliance, he has increased his usage, I think we're allowed one single family dwelling and an accessory dwelling; and he has had up to five inhabitable dwellings at one time. He has a barn with a couple of units which I've personally seen, he has the cottage across the street, he has a little shed that they call the chapel that's kind of a bunk house and they have all, and of course the main house, they've all housed people at various times, sometimes all together and sometimes at a limited use depending upon whether he's renting them or using them for his family. Between that non-compliance and also having commercial use up there, Sunlight Water Company I believe he ran out of his barn for a while and is possibly still doing that, he put in a septic tank without approval or a license. We have really been frustrated with this particular neighbor. But, my biggest issue is that this property when I purchased it was protected by these deed restrictions and I am in opposition to this subdivision exemption.

Dennis Hines – I'm on next property west of Mr. Mahan. A thought occurred to me in reading Mark Beans presentation, that the question of the reason for having a subdivision on the other side of the road, that the road could possibly justify one possibly, but why. What is the purpose, what is the angle and that brings back all the fears that he's had that in once sense I don't object to Mr. Mahan's current uses because they are all working with buildings that have been there in time and memorial or at least before me so they don't in any way bother me except at sometimes they're overused I would think. And, with cars on the road and all that sort of thing, it's a problem. My real problem is what does the future hold. Why does he want a subdivision and isn't that relevant to why the permission would be granted and in a sense the County would be working for Mr. Mahan by granted the subdivision, right as opposed to the County defending covenants which I'm not asking the County to defend Covenants but I still believe the Covenants are holding and the so-called elimination of the Covenants was not done properly. But, the County's kind of in a bind it seems to me in this particular case no matter what it does it's going to displease somebody, which is not an unusual position I'm sure for the County to be in. It seems to me that since Mr. Mahan doesn't have a right to the subdivision, it is simply a discretionary matter on the part of the County, that I would suggest respectively of course, that that factor of why and how that's going to affect our density of population and use and what's that is going to mean in the future is an extremely important thing. We came up there because this is wanted we wanted. Mr. Mahan didn't come for that purpose, he came to develop, we grant that was his purpose but it has had the result of having an affect on us which the traditional use of the area would no longer be recognized and it would change the whole position that we'd be in. I don't know that

proves legally that he has no right to do anything but it does bring up the question as to why the County would be inclined to grant it, other than that the County has sometimes granted this kind of thing in the past. In substance, that's my position. It's obvious that his use of the buildings until this time which we have complained about as being against County Code rather than Covenants, although they are both, as a matter of fact, is what leads me to worry. If he didn't overuse, I wouldn't have a problem. As I said, the buildings are there and why not use them as long as he doesn't change them in some way. But, the overuse is what has brought us to the County in the past in order to not set a pattern of us not caring. We do care, but we could endure it if he didn't go any further. And if we could get a promise from Mr. Mahan that he isn't going to develop anything any further that would be fine, and then use what he's got right there. But, even though that of course would create a problem for County Code. In sum and substance a recap of my position.

Attorney Scott Balcomb – I would like to quickly summarize, I've given you some talking points, I won't read those verbatim, I'll just try and run through them quickly. Our first and primary argument is that because this was one – two-hundred-sixty-eight (268) acre parcel on January 1, 1973 and it has since been divided since 1974 into as many as thirteen parcels, that simply does not meet the criteria for a subdivision exemption. Secondly, as Mr. Hines states, you have discretion here to grant or deny this request, there is no right to it and simply we don't see a compelling reason to by-pass County Subdivision and planning process to create more dwelling units on this parcel. Thirdly, as reflected in the original petition and the court order from the Colorado District Court, a promise was made to this Board in 1975 that there would be no more subdivision and that promise should be honored. With respect to the County Road, we don't believe there's any evidence that it prevents joint use of the property. The original 1975 Resolution required that it be maintained as a private road and even though it was ultimately accepted by the County as a public road, that certainly shows the intent of the Board in 1975 that there would be not be a future exemption based on the public roadway and that the current zoning allows a house and a guest house and so it's being used as one parcel; the house is on one side of the road, the guest house is on the other side and it's been that way 1936. And, as a practical matter, this is a little traveled dirt roadway, I've ridden my bike up it myself, it's not like it's I-70 lying between these two parcels. The history of non-compliance deals with one of the criteria that you need to consider which is that old Garfield County Zoning Regulations would be met if you granted it and the history shows that this may be questionable and it's further an argument against granting a conditional approval since conditions have not been honored in the past. And then the last point has to do with the water. The water supply plan as I understand it based on reading the application relies on what's called a substitute supply plan which is not a decreed water right but rather a temporary measure that can be authorized by the State Engineer. I did not see any letter in the file from the State Engineer authorizing a substitute supply plan in this case and in fact the State Engineer's authority to do that has been severely limited by a recent decision by the Colorado Supreme Court called Empire Lodge Homeowners Association versus Moyer which was decided in December of last year and curtailed the State Engineer's authority to issue those sorts of plans, so whether or not that will be forthcoming we don't know, but I doubt it and also I believe as Mr. Bean pointed out there is no precedent in the County that I'm aware of to rely on a substitute water supply plan based on a private water company as opposed to a Water Conservancy District. For all those reasons, we would urge you to deny the application. I'd be happy to answer questions.

Ken Green – I own the adjoining property to Mahan's on I believe it's the southeast corner of the adjoining property. According to Mr. Fitzgerald, originally the two-hundred-eight (268) acre parcel was deeded separately to six separate parties, that's my understanding. And for the record, a couple of years ago, which Mr. Willman has copies, I hired an attorney myself to research all these same issues that are being brought up today and that those were actually done in six separate filings totally individual. And, that Mr. Carnes had owned the parcels and Mr. Mahan and Sharon Stevens and myself owned the forty-acres was subdivided as a separate deeded issue to then Mr. Ben Carnes and then the adjoining property which is in question, that Williams at one time owned basically adopted or used or whatever you want to call it, the identical verbatim deed restrictions that were on my property but in fact that it is a separate subdivision totally separate from our subdivision even that each party up and down the valley adopted those and whether it was their intent or not, they're actually six separate filings with six separate dates and separate Book and Page numbers, if I correct. So, that was a finding of my attorney. So, whether the deed restrictions read the same, I mean, it would just the same to me as if I went to Denver and I owned five-thousand acres here and I really enjoyed the deed restrictions of a project in Denver, I'd say, oh great, and took a copy of that, came up here and filed those, it isn't any different, it has nothing to do with the project

in Denver, it has to deal with choices we make. So, the issue of, are these all the same deed restrictions, I don't believe so, my lawyer didn't believe so either by the way and again, it's one record because I had my lawyer, we voted on, Jim Mahan and myself, and Sharon Stevens were all notified by my attorney and voted on rescinded the deed restriction and they've since been released from the Ben Carnes property there – there are no deed restrictions as of the last day of 1999. And again, it's of record, I think those were presented the last; I wasn't here the last one, but the time before last. I was out of state unfortunately of the last event. And as far as the issue of water goes, originally I bought my property in 1991, that was an issue, water was a serious issue and Kathy Harris' ex-husband I know, Dave Harris came down and we had, I'm a brand new property owner and I'm looking at a lot of issues and one of the issues was water and I wanted to build a pond and of course drill wells, and so on. And, the Harris well on more than one occasion had gone dry, in fact Mr. Mahan doesn't even have a well, he has a five-thousand concrete cistern, he has no well on his premises and his personal home was also going dry at that time. He since has started Sunlight Water Company and I was here when Dwight Whitehead was here and that has all been resolved as far as the issues of the Sunlight Water Company. Mayan is dumping his water down Black Diamond Mine Creek which runs right through Kathy Harris's back yard, I'm not sure if it goes through Dennis Hines or not, but it definitely goes through mine, I have build a one-hundred-ten foot pond that is five foot deep, I have a water fall, it's all been recorded by all the proper authorities with the water State of Colorado and I was just at my property day before yesterday, I don't know how much water is coming down there now, I'd guess it's somewhere around one cfm and is that right, yeah, one cubic feet a second. It's a fair amount of water and I've also since got an adjudicated water supply from West Divide to put a second well on my property and I mean first of all the paper they were referring to wouldn't make any sense, if, why would I buy a second well permit from West Divide Water if I knew I couldn't drill a second well and get water, it doesn't make any sense first of all. And also, after Mr. Mahan back in the early 1990's starting doing test runs with his water supply with gauges just to see what kind of flow it would handle, I ended up with six of several artesian springs on my property that were not there when I bought my property in 1991. Literally, I ran it to one place I owned, I've been a contractor all my life and I sold my business a few years back but I had a backhoe and a bulldozer and I buried my bulldozer once in a swamp and I buried my backhoe two or three times in a swamp because of all the new water that was created and I had to take measures to counter that. And as far as compliance goes, first of all I don't want to live on a road, I bought that property in 1991 for the same reason Kathy Harris bought hers, Dennis Hines bought his, I don't want to live in a metropolis – I have no desire. As far as compliance goes, I was here the meeting before last when Mr. Bean addressed that Mr. Mahan has since complied and I agree, I wasn't happy with five-thousand people that Mahan's had at their property one time or another and as far as that little cabin goes across the street, since 1991 when I brought my property, I went into that little cabin across the street, it does have a kitchen and a bathroom and water and facilities and if people run around naked up there it's no concern of mine, I'm sorry I mean I don't even see them and to clarify the records, I'm on the lower side of the Mayan's property so I don't go through their property like Mr. Hines and Ms. Harris does so I don't have to deal with whatever hoopla is going on at the Mahan's house so I'm a little bit prejudice on that statement, I don't have the same feelings that they do. The amazing part up there is that it is so incredible peaceful and quite up there that if somebody's having a barbeque, I know it sounds crazy, but if the Mahan's were, it must be a thousand-feet away my property to where their house is to where I would be working whatever, you can hear them talking just as clear as you and I so Harris has a dog that drives me crazy.

Kathy Harris, it's my dog.

Ken Green – well, whosever it is, it barks twenty-four hours a day. And she's three-thousand feet up the hill from me and one of the reasons, I put my property up for sale a few years ago because there was a lot of hassles in my neighborhood between the Harris's, the Hines and the Mahan and they, I've spoken to all of these people, I don't have any problem with any of them. Mr. Hines was a monk for many years, I understand he loves his solitude, I appreciate that, I came from Los Angeles originally, I hate the big city, that's why I chose that space. I'm sorry, I'm kind of rambling on here, anyway, I'm not opposed to Mr. Mahan, if he stays in compliance with the County as far as how many people he's got living up there and I know he has an accessory unit up there that's he's used for rental property for many years, clarification on the bunk house, as they call it, that was never a bunkhouse although I'm sure somebody slept in it at least once. That was set up as a game room, I've been in there, there's pink pong or that type of game type things and again they may or may not have had fifty people there. I've been in his quote barn that converted over and I'm with Kathy Harris in respect that I think some of his logic was, it missed me, you know, of running the water company is one thing out of there, having an arts and crafts room and a this and that, in the name

of and then using to let his family stay there, I don't know what the legal ramification of that but I do know he has children and he has stepchildren and by the time they all get here and their families get here, and his brother comes out quite regularly from Florida and his family comes out, I mean I know, I've been up there when there's been twenty-five people staying in his house. And again, what's legal or not, I don't know. I don't want a major subdivision. But to me, the main issues are over saturation number one, I'm also aware of that the neighbors that are in the Williams parcel, I forgot their names Cindy and Bob, I think it is, also were attempting at one time, at least verbally to me, they were trying to do a subdivision on their property because they own twenty acres out of that Williams estate also, and then Mr. Hines and Kathy Harris own the other remaining twenty-acres. So there is split feelings about who should and shouldn't subdivide. In fact Arthur Cole which I'm just doing second-hand information, I spoke to him just before he took on a world tour on his sailboat that he owns forty-acres up there and that he called me actually and wanted to find out if I was interested in subdividing because he wanted to subdivide. So, there's several issues, there are people who don't want the subdivision, and personally I don't mind if Mahan's subdivides as long as again he wants to build one new home which would impact me and nobody else because of the logistics of the terrain of the property, I think it was probably twenty-percent grade, something to that effect above where my property stops and if Jim Mahan builds a home right behind me, it's going to be visible to me and the building site that I choice and I've since excavated out just to clear the trees and so on to see what the views would be and so on, I would be looking, or they would be looking straight into my windows. And Kathy Harris and Dennis Hines are up above and I doubt seriously if you could even see if Jim Mahan subdivided and built a second home, I don't believe it would even be visible to anybody but me, to tell you the truth. And so that impacts me and I just hope Mr. Willman, I just met him, by the way just prior to this meeting, and told him I was considering subdividing and also as of a couple days ago, of building my dream home which would be exactly in Mahan's view and him in mind, and his in mine, excreta and I'm still not opposed to it. So again, I probably forgot something but I've taken enough of courts time.

Chairman Martin – Mr. Willman do you have a summation?

Charles Willman – I do, thank you. I keep reading Section eight colon fifty-two (8:52) of the criteria and John has a better sense of it than I do but, uh, I'm having trouble finding the four parcels and I guess you consider Mr. Carnes as one of the four parcels and you get into the four tracks of land and I've read this definition three times and I'm not even sure that's an issue. We certainly would challenge that if that would be your finding because I don't think that it is. What you had back in 1973 essentially is one parcel, two-hundred-sixty (260) acres. Uh, by Senate Bill Thirty-five (35) the Davis et. al including Mr. Fitzgerald created six (6) parcels of land. Now, Mr. Fitzgerald argued you that this is all intended not to prevent further subdivision, I think he's talking about the next level, Carnes down to his people and Williams, which you can see from my graft, tied that together with the attachment one from Mr. McContie's draft, it's the Williams Property, those have been divided, there's three parcels, so there wouldn't be four parcels of property. Each of these is separate. If the County Commissioners, we can all speculate as to what they intended or didn't intend and what the representations are made I guess it was back in 1974 – 1975, but the real issue is that the County Commissioners at that time intended there be no further subdivisions at all across the board. They would have one set of Covenants that would have been applicable to all of these six (6) parcels of property. They didn't do that. One of the inherent issues of property and often lay people we don't understand and it's sometimes very unfortunate, is the only thing that really affects your property is that in your chain of title. While Ms. Harris may have had certain expectations, those expectations were not in her chain of title, but the Covenants appears to exist in respect to her chain of title to protect that particular forty-acre (40) acre parcel. So, then you have to get down to what is the real issue and the criteria under which you must make your discretionary decision which is clearly there. First of all, water issue which has been the only primary issue raised, that has to be addressed and I think it's a condition, if I remember, I've kind of forgotten the conditions that were first put out there, but I think it's one of the conditions before we get the plat recorded that we must prove adequate water supply as one of those things and then we think we can do that, I think Mr. and/or Mrs. Mahan in the past, as part of this proceeding, has presented there is adequate, both quantity and there can be legal supply. We do need to finish the well permit application and I did give you the quality water stuff at the last proceeding. So, once we get to that and then you look at generally eight-six-zero (8:60) which deals with the considerations and is into conformity with the County Comprehensive Plan, we'd submit it was. Number one, we're not creating anything really additional out there, the property exists as it is. As far as future development, that's controlled by your development and there are so many dwelling units per lot that could be utilized. Compatibility with the existing land uses, again, that's what exists out there exists. So, it's certainly

compatibility. Recommendations in any municipality, I don't believe there are any, they knew that it was within three miles probably, more than three miles at that point. Recommendation of any State or Local Agency, again I don't recall any; suitability of water, all interest in soil and those things, all these other conditions have been complied or part of the conditions of the approval, so when you look at the current criteria that you have established in eight-six-zero (8:60) for looking at this application, the rest of what is being raised here is from lack of a better term, a red-herring. While I understand and I've often been on the opposing side of subdivision, the desire to maintain a certain quality of life and things like that, the reality is this, after the current subdivision exemption request, certainly meets your criteria and it should be granted. There isn't any reason that is out there; everything else is simply throwing up as much stuff as you can to see if anything sticks to the wall. Mr. Mahan is trying to develop his property in a responsible, legal fashion at this time, you certainly have his attention as far as anything else, and I think you've seen that by changes he's made in withdrawing. One other thing, and again, I didn't come prepared for this, but it's my recollection at one point the County actually approved this subdivision exemption. And, at that point, the plat was never recorded. So there is some history within the County when this exemption was previously approved.

Chairman Martin – Any questions pursuant to that? Kathy, you have another one, I didn't see you raise your hand, Walt did. Make sure you identify yourself to the tape.

I'm Kathy Harris and I just had a couple of comments – I wanted to clarify that Mr. Green, his property is on the market at this time and he is advertising with no covenants and possible subdivision. So he has a personal interest here, he also does not live on his property so of course Mahan will not impact Mr. Green at all, he doesn't live there. He doesn't even have a house on the property, okay. And also, in no way can I believe in 1975 did the County Commissioners intend or even grant six separate subdivisions with identical deed restrictions that were attached. This was one subdivision with identical deed restrictions and on page two of section six, number three at the bottom, it says that Carnes's application represented that each parcel, and remember Carnes is the property that Mahan is on, each parcel to be created would be subject to certain protective covenants to be attached to each deed of conveyance. Restrictions containing the protective covenants as represented by Carnes to BOCC were in fact attached to the deeds of conveyance for all three tracts and the very first item on those deed restrictions is no further subdivision, no re-subdivision. Thank you.

Charles Willman – Mr. Chairman, may I address that last issue?

Chairman Martin – Well, if you missed one, go ahead.

Charles Willman – Yeah, with respect to the decree, at that the covenants were still in place, that was our issue, were they in place or not. Those covenants are since been terminated and the covenants were term limited by ten years, if you remember the covenants themselves. And, two of the three property owners signed off and said we want to terminate them, which was allowed. So Mr. Carnes, and again, had the Board wanted those covenants to last forever, they could have said, these covenants have to be there forever and they didn't do that.

Chairman Martin – Any questions, anyone. Clarification. Staff do you have anything else to go ahead and do

Mark Bean – No.

Chairman Martin – All right. Mr. Hines, why don't you come forward and make sure that you Dennis Hines – Just one point with Ken Green's presentation, the question of the covenants being terminated, he said he included Sharon Stephenson with that. Sharon Stephenson was not part of that termination. She, at that time was on our side. It was only he and Mr. Mahan, two people who did that, what they considered a termination and that, we still feel was not done properly because we feel that all six should go together. That's the only point.

Charles Willman – I would concede Mr. Stephenson did not sign it, but it records only a majority and two out of three is a majority in most folks.

Chairman Martin – We have that issue now. I understand there varying points of view. All right, any other questions? Mr. Stowe. Mr. McCown.

Commissioner Stowe – I'll make my comments in a minute.

Chairman Martin – All right.

Commissioner Stowe – I'd make a motion that we deny the subdivision split into two parcels for the twenty-acre tract.

Commissioner McCown – Second.

Commissioner Stowe – The rationale behind it for me is the fact that the only reason to provide this is the theoretical loss of use on either side of the road because a County Road splits the land. I disagree that in this case, that is just cause, we have a house/residence on one side with the ability to apply for an accessory dwelling unit which can then be built which would give the applicant two units, if they chose to use the old cabin as their accessory dwelling unit, it is again two separate units given the amount of traffic that's on this road, I don't know that that's out of line to ask them to cross the street. By subdividing this we would in effect be given the applicant a right to go to two houses and two accessory dwelling units which would then give them four units, I don't believe that's in the best interest of the health and safety of the area given all the evidence that's been presented.

Chairman Martin – That's comments. Mr. McCown.

Commissioner McCown – Uh, well, I think the thing that's foremost in my mind that the exemption process is highly discretionary and by denying this exemption today does in no way prohibit Mr. Mahan from coming back to use with a full blown subdivision if he does wish to subdivide this property; at that time much closer scrutiny to things such as water impacts to the area will be discussed and I just feel that this particular exemption is not in the best interest of the County at this time.

Chairman Martin – Looking at the statute in reference to the division of a piece of property by a County Road or right of way, it does give the owner that piece of property certain rights, uh, I think that this is a County Road, we deemed it a County Road by over twenty-years of maintenance excreta and I think it does qualify on that. Is it the best for use for the neighborhood, uh, possibly not, but we're not here to pass judgment on individuals, we're here to uphold rules and regulations. I think it meets the requirement to be able to be divided into two lots. That's my comment. We will call for the question. All those in favor of denial based upon the findings of Mr. Stowe?

Commissioner McCown – Aye

Commissioner Stowe – Aye

Chairman Martin – And I'll oppose.

Charles Willman – Thank you gentlemen.

Chairman Martin – Thank you. Thank you everyone for coming in and expressing your points of view. We all have different points of view, doesn't mean that we don't like each other, just different points of view.

Charles Willman – Just from a procedures standpoint, will there be a formal Resolution?

Chairman Martin – There will be, yes.

Charles Willman – Will that be that be ready?

Chairman Martini – Within the next thirty-days.

Don DeFord – Excuse me, Mark normally does the Resolutions when did you need it?

Mark Bean – John gave me thirty-days, so, no, Charlie, I'll try and get one ready for the next Board Meeting which will be the first part of July.

Chairman Martin – The third, yeah, so that's...

Commissioner McCown – July? That should be June.

Chairman Martin – June.

Mark Bean – That's more than thirty-days, you're right. That should be June.

Charles Willman – Okay. Thank you.

Chairman Martin – Thank you very much.

DISCUSSION ABOUT ZONING ON MEL REY ROAD IN WEST GLENWOOD

Mark Bean, Don DeFord, and Attorney John Schenk were present.

Mark presented the rationale of leaving the zoning as is but change the road to a on-way street at a location to be determined by the Board. By changing the roadway to a one-way street it would allow sufficient space to put in curbs, gutters, a sidewalk and also on-street parking. The Planning Commissioner did not formally recommend rezoning of the Mel Rey Road area. Several options are: 1) follow the recommendation of the Planning Commission, 2) formally initiate a specific zoning change for the area to be considered by the Planning Commission; 3) revise the current zone district text and regulations within the C/L zone district; and 4) do nothing. The Commissioners held a discussion having Mark go into more detail regarding some of the options. Mark suggested that staff could come back with suggested language usage and the Board could address the best option. The Board decided to eliminate Options #and Option #4. Commissioner McCown said he recommendation not to rewrite the C/L Zone just address Mel Rey Road. Commissioner Stowe felt the best way to deal with the situation would be to do a zoning change with public notice. Chairman Martin favored Option #2 the same as Commissioner Stowe. Don added that in

Option #2 there would be a need to define the geographical area and parcels but could do that from the Assessor's records.

John Schenk – Mel Rey is a collection of uses. His client bought the property thinking he could do what he wanted to do; this has been very unsettling and does not create a sense of stability. He favored making a one-way street going south on Mel Rey which would take all the traffic south when going to work and change it in the evening to a one-way going north. The Board discounted this option. Staff was saying, the concern is in Garfield County across the board for parking; change the parking standards for everyone. If you change the density and change the zone text all over the county, you're going to see a lot of people with major concerns. He stressed he just wanted to play by the rules.

A motion was made by Commissioner McCown to direct the planning staff to initiate the public hearing, come up recommendations to rezone at least a part of Mel Rey between Donegan Road and Highway 6 from commercial limited (CL) to residential limited suburban density, take it to the Planning Commission in June and hold a public hearing before the Board in the first part of July, advertise in advance of the meeting of the Planning Commission and request they provide comments. Commissioner Stowe seconded. Motion carried.

HUMAN SERVICES COMMISSION INDIGENT AND HOMELESS SERVICES

Salvation Army

Carolyn Spencer of Salvation Army submitted a report to the Board. She said the downturn in the economy has affected this agency. This is the working poor; some have never been in the position they find themselves in today. This also led to maintaining 25 people in the winter. A lot of businesses she contacted mentioned they were not hiring at this time. Some of those business's staff are working longer. They have experienced many evictions. 30 requests for rent eviction assistance in January; 27 in February and 25 in March. She projected it might lessen in April. The one problem seems to have been that those individuals were seasonal workers and they were waiting for their unemployment checks. The checks were late due to the volume of the requests. The option is to negotiate with the landowners to go to payments. The other thing was to cut down from \$600 to \$400 in assistance in order to assist more people. This way they could service 10 or 11 out of those 30 requests a month instead of only 6. They also assist with Section 8 HUD and she makes sure they have applied for all the other resources. They receive \$4,000 from FEMA for rent assistance. The annual Lift-up Food Drive at Easter had so many requests that they starting running low on food. In the day center, they took the first 60 versus the usual 25 who were living in tents and campers over the winter. Of this number, there were 48 men, 10 singles, and 2 families. There were 25 single men and women living in tents and campers over the winter. 15 of the 60 served were counseled to leave the area and they gave them bus fare. 22 remain in the program – the majority is working, 5 disabled and unable to work. Carolyn stressed the problems in locating a day center – every time she has tried to get into a residential care center, it goes up in smoke. She is currently negotiating with the City and has an appointment this week with City. They have had to temporarily closed the intake. The current participants will remain. She does not take problem individuals; if they have a reputation for causing problems and/or no clear indication they will be back to work, she doesn't accept them. The contract is 3 pages long and if there are any problems, she never allows them back. Only 2 incidents where she has had a problem. They paid \$36,000 on rent evictions. Prescription – up to \$100, and several are being maintained because they do not have Medicaid and this amounts to \$2700 a year. Utility requests are down due to LEAP. This year Salvation Army and Lift-up will split. Lift up will do the food. Salvation Army the housing. Lift-up took the issuance of motel nights and repairs on motor vehicles. Hospital costs – Lift-Up and Salvation Army try to split the costs. They are ready to build the Shelter and have been given the land at Glenwood Meadows – 30-bed facility. \$800,000 building, day center, offices and increase in bed space. They will be able to serve families – 4 family rooms and 16 single beds and some may be waiting for HUD housing; 2 handicap beds.

Catholic Charities

Tom Zeaman with Catholic Charities stated that Steve Carcaterra, Lift-up Director was resigning.

Tom gave some Lift-up information for 2000 and 2001. In 2000, they served 10,802; in 2001, that number jumped to 14,500 and then for 2002 there is no data available. There has been an increase over the winter. In 2000 – 2001 – Extended Table jumped up another 800 or so.

Catholic Charities –took over the Miles for Smiles program at the end of 2000. Anticipate over 300 visits in Garfield County from this upcoming visit. For the adults they are helping find other resources – they are not doing financial emergencies; they work together with other agencies. They do some utility assistance. Some purchase of license plates, repairs, food, and some rent assistance.

Carolyn mentioned for their new shelter, they had an offer of furniture from a motel in Rifle and she was very interested, but they have been given \$50,000 from Salvation Army for new furniture for the new Shelter and they wouldn't allow her to accept the donation.

A motion was made to go into the Board of Health by Commissioner Stowe and seconded by Commissioner McCown; carried.

BOARD OF HEALTH

Mary Meisner and Wanda Berryman were present.

Mary submitted a contract renewal to increase TB funding to by \$12,365.00 – it begins July 1, 2002. The Board will see it in June.

Announcement - Oil and Gas and Colorado Dept of Health will be having a joint meeting at 1:30 PM, Wednesday, May 22, 2002 in Parachute. The will be regarding air sampling around the gas wells; this is a collaborative effort. Williams has been very cooperative in all of this. They would like someone from public health and want some one from the Board of Health. Mary mentioned the exact location has yet to be determined. Mary will advise Karen when there is a place for the meeting.

Communicable Disease Grant of \$60,000 starts July 1st. TB Cases: they have one case they are monitoring closely. Child Health Programs: May 31 and June 29 are scheduled for Immunizations – \$1,500.00 for Hepatitis B & C. Kate Lujan attended the conference in Denver and she has been sharing information with the community at large. Update on the shortage of vaccines, Mary said they are seeing some relief in site. Did some benchmarking in Rifle and Glenwood Springs, 300 children in Rifle without proper vaccinations. The States were able to purchase directly from the manufacturers. This did not allow CDC to honor their commitment.

Legislature may need to pass some legislation. Colorado could only purchase a limited amount due to the funds available. Some of the wealthier states may a better deal on getting immunizations. Information has been gathered and they are looking at this at the present time.

WIC

Presently at 1,108 clients, having a WIC Monitoring in June and this includes the grocery stores as well. Rent is very high and may be driving the WIC increases. The population is working, but just not making enough money. Wanda Berryman did a survey on where the clients live – one thing that was relevant and that was the unrelated numbers in family homes; they are charging \$200 a head. This is creating a concern with so many unrelated persons in a family structure it crease additional risks to children especially. The WIC caseload in Parachute is up.

Healthy Beginnings

Wanda Berryman reported that there is no discrimination in undocumented and documented cases. These undocumented are pregnant women who will have a baby born in the United States. Babies with low birth weight, complications, etc. from the lack of prenatal care drive the cost upward. They are trying to work smarter.

ISDPT – Medicaid contacts with several health screening tools; schools will help in getting kids into the Miles for Smiles program. They served 300 kids this year.

The Healthy Beginnings Program has had a very busy month; last month she pulled 130 charts. A concern Wanda said was that it had been over a year since they have seen someone in the first trimester. For a time, there was a backlog and from the time, they called and were seen, the average was between 8 and 10 weeks. First trimester care is very important to an outcome in a pregnancy. So, we have partnered with Public Health and with Women's Health Associates and have decided to take care of a backlog to do some intensive pre-natal health care days where we see lots of women on any given day and have actually held it on a Saturday to see them for their first appointment. The first extensive day was held last Saturday at Women's Health and they saw 36 women in an 8-hour span of time. Doctors and others donated their time. All women showed up and their husbands came; 10 clients of those 36 we saw were 14 weeks and under. This was a huge success. They are also seeing more people and that's not sure how that will affect the program down the road. She has a call into the State and hasn't heard back. Wanda said she thinks there is more money available. At the present time, it looks like they may exceed their cap; if the State gives us more money, then we'll be okay to accommodate the extra load. They will have three usable rooms at the Mountain View Building and Women's Health has mentioned they can use their space. They have one client with Lupus, which is a very high risk, and it is great to use the Women's Health facility because there is a physician available. This reinvests the physicians into the program. They are planning another Saturday event in June. This is for their initial visit. They receive money from Kiwanis for car seats – women are calling in their first trimester in order to get their car seat, it is just scheduling to get them in.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

BOARD OF SOCIAL SERVICES

Margaret Long submitted the regular reports mentioning there were some new formatting for easier reading. She added that Colorado Works and Medicaid Caseloads show continued growth. The Colorado Works caseload mirrors the 2000 caseload and is higher than the same time last year by 11 participants. There is an increase in two parent families. All counties are reporting a similar increase and it appears to be largely CWAC, our bid of \$1,420,374 was approved. Yuma County had submitted a proposal, which was, adopted which took on 1% off the top of the bids and then redistributed them to counties who got less than last year. So we will actually get about a \$1,000 more and this move made some of the counties feel better. The Medicaid trend line is the same, around 1400. WIC is going up at the same rate. Some of these are an overlap. Mostly the mothers are undocumented. The difference, other than Medicaid and Child Welfare, they do not provide services for undocumented. The push is on Lift-up, Salvation Army, and Catholic Charities.

Rural Resort Regional Child Care Project - DSS Directors had their second planning meeting immediately after the TANF meeting and determined that due to the "less than rational allocation of TANF fund amongst the five us." They propose to split the licensing contract and revenues not three contracts with Summit and Lake doing their own licensing and with Garfield doing licensing for ourselves Eagle and Pitkin. Eagle and Pitkin will pay us for the actual costs of providing these services. Pitkin will probably pay us 2 – 3 times their actual costs as they have this much in TANF dollars and recognize their workforce drives our costs. Eagle in the meantime is going to pursue seeing if they can get some dollars to Lake to help them out as of the five counties. Lake continues to face the largest financial challenges. The Commissioners said they did not have any objections. Margaret mentioned she has the staff to do what she is proposing; to include Lake County would place a burden on her staff. Should the Resort Region group grow, I would assume that we could probably grow that IGA. This gives a platform and if someone came along with money, it would be nice to have a basis, an umbrella – under which we could put that. When it comes to the end of the hard-core production of childcare licensing, we have said it is time to simplify this. In addition, Lake will do its own licensing, Summit will do its own licensing, which it was doing before, and Eagle and Pitkin are willing to pay us to do their licensing. This makes a lot of sense particularly when you get up into the Roaring Fork and trying to split up things. As I said, Kate Jayhill, the director of Pitkin was pretty sure that she wouldn't have any trouble in her board okaying (she's got about \$10,000) in TANF funds for actually proportionate share just looking at the cost of doing business is more like about \$3,000 to \$4,000 but she said she was pretty sure her Board would okay just sending us the \$10,000 in recognition. It is not a lot of money, but it is a recognition that they do have impact. Eagle is actually going to try to do something and I do not know where Kathleen's Board is going to go to help Lake because Lake is in a world of hurt as per usual. In addition, that is really the mitigation if you look at the job flow; it is really Eagle, Lake, Pitkin and Garfield. So I think we've captured the essence of what we have been trying to do but a simplified manner after significant brain damage. Commissioner Stowe – are we still going to be doing Eagle licensing but they are in turn ...Margaret Long – they are going to pay us for that and then they're going to also – Kathleen is going to see if she can get her Board to also help a little bit with Lake. However, they will pay us for what we are doing for them. Chairman Martin - here's blocks from Chaffee County, Lake County are getting to be in the same boat so they're coming across all the way to Eagle and Summit Counties because they have a lot of workforce leaving both counties now. And the west end of Park County also coming out of the valley there on the flats, they are just coming up to Leadville through and over to Summit County, so it's making a real impact on the whole area. Not just anymore, it's Lake County but it is getting to be increasingly.

Margaret - as I said we are just continuing to work with the five counties but if the collaboration changes, I think we can change our configuration. However, we have tried to make it a whole lot simpler and I have tried to reduce enough, we cannot put more money. Do any of you have objections to this plan?

Commissioner McCown – I'm all right with it. Commissioner Stowe - because we are covering our end and they are paying theirs, I have no problem with it. Chairman Martin – if we have the personnel to staff and also the time to do it, Margaret, I don't want you to go and over extend your staff and what-have-you in trying to cover everybody else just for a few thousand dollars, even though the needs there, if you don't have the staff, you need to say so.

Margaret – Oh, I have the staff and what I was not willing to do was to pick up Lake County. That would be pushing the staff too hard. In addition, we have many things that we want to work on. We can focus more on our County issues, but we can still easily cover with what we have. In addition, since have the TANF bid, we will have money to put in the kitty to keep the project going. Chairman Martin – just as long as we don't over extend our staff, wear them out. That's up to you to monitor that aspect. Then we have to make the priority calls. Margaret – I'm not going to say they are not working very diligently but in child care I think we actually are fairly haply – reasonably staffed. There are some other areas we are not, but there is not money in those other areas. Stovepipe funding is creating problems.

WRAP PROJECT

Community Evaluation Team (CET) – that we have been involved for four or five years with this project. You will find in the Child Welfare Budget for \$10,000 called WRAP a line item. It is project actually out of the Division of Criminal Justice and what they do is the State will match local dollars for efforts to provide services that divert youth from getting into the Criminal Justice System. What we have done here is through the Coalition on Families with Youth Zone being the primary sponsor, pull together where local dollars of money – Colorado West is, School Districts are and a primary goal of the program is to avoid out-of-home placements. And we've been tracking that now every year and I said, all right, if the department was going to put in \$10,000 then we needed to see that we've saved at least \$50,000 because these are local dollars. In addition, the report I saw for the first half of the year, projected cost avoidance, was \$112,000.

Commissioner McCown asked what WRAP stands for.

Margaret – Wrap Around Program and what it is, is has three things three things that are important. One is that the Community Evaluation Team that meets are all local professionals from private practitioners and agency folks and their agencies donate their time to work with the families. The families come in and sit down and they really say, okay, here are the problems. School Districts refers, sometimes families refer themselves. So you've got a collaborative interagency group with a lot of expertise and the only cost for that is the person who staffs it and pulls the meetings together. Then you usually, but not always, when you are working with the families, say all right, these are the things that need to be put together to help this kid or most cases it is the whole family, going in a more positive direction. And there may be five different points in that plan and there are resources available for four of those things, but if the family has no medical insurance and the kid needs to be on Ritalin or something, then maybe it's paying for Ritalin or maybe it's paying for individual therapy sessions. Whatever is missing – it is very flexible funding. A third and I think a very important piece is it means that for the families where we are really looking at eminent risk of disruption of the family, they do not have to go through the Department of Social Services. They can come in through another door even though I would like to think everybody feels very comfortable with that, I am fine with people not having to come through that door. I think it is good to have that option. So, we've got a project that has been going for a number of years, it's been paying off but now Don is re-reviewing, I'm not sure if we never got this reviewed or what happened, whatever, it's not in the contract format that we should have because the Division of Criminal Justice had been satisfied with basically a Memorandum of Understanding and Certification of Appropriation of Mat. That had been done in the past. However, since this amount is \$10,000 it needs your approval. It is in the budget and that is why I questioned who, if you approve this, would sign it, whether it is the Board of Social Services or the Board of County Commissioners.

Don – let me address this real quickly, the problem as it first came to me, and Carolyn's looking at this in some detail right now, is that in the past it was literally treated as and referred to as a donation and that's not something the County can do as that's a straight up gift. You know from our Human Services Agreements, of which we quite a few, those are always in the form of a contract and state the scope of services and some other conditions that have to be met. That is really what we are looking at doing here is the same type of arrangement. It needs to be done as the Board of Social Services and this one, I'm not sure where Jesse is on this one either but the funding, as I understand it has to come from the Social Services Fund and it must be 100% local money, so there must be a way of accounting for all \$10,000 as revenue from the mil levy not from some other state source. That will also have to be part of our agreement because that is what they need to have happen. Therefore, with those caveats we should have human services form of grant agreement together in short order. The Board of Social Services would authorize the expenditure because it comes out of the Social Services Fund and Margaret hit the key item for us, it's a justifiable expenditure out of the Social Services Fund because at the end of the day it diverts youth who would otherwise come through our child welfare system to another program.

Margaret – and there is a line item.

Carolyn Dahlgren – the judges are well aware of this program and often from my experience in dependency and neglect, cases will ask the social worker if CET has reviewed the case.

Margaret Long – and we are a referral source too, because a family may be involved with us, but again getting them to go back into large collaborative group of clinicians makes a lot of sense.

Chairman Martin – I did take a copy of the Criminal Justice grant award for accountability for juveniles, etc. which goes along this line, over to Youth Zone, but anyway they were expecting it and we had received a copy of that and requested our signature on that in April. Again, they had to get their facts and figures back the folks and it had been awarded. Therefore, it goes along the lines of adding to it, what you are talking about.

Don – Jesse is this already included as a line item in their budget.

Jesse – Yes.

Don – So no budget amendments are needed then.

Margaret – No.

Don – And does it present any difficulty for you in terms of accounting for it as 100% mil levy generated revenue.

Jesse – I'm going to check, we didn't set up two separate mil levies going into Social Services to show this specifically going into this line item, so I'm going to have to take a look at that.

Margaret – and that is the piece I suspect may, hopefully some type of journal entry can do it.

Don – do you need action on this today?

Margaret - yes, I'd like to see this perceived, what I'd like is if the Board so pleases, that so authorize John to sign it as soon as it comes out of the County Attorney's office and prior to when they meet again.

Don – June 3 is their next meeting; do you need it before that?

Margaret – yes.

Don - Jesse is that all right with you, or do you need time to come back to the board on funding issues or not?

Jesse – I think we should be okay.

Commissioner McCown – so that would as the Chair of the Board of Social Services. I move that the Board of Social Services be authorized to sign the WRAP Agreement once it has been reviewed by the County Attorney's Office and has met the criteria.

Commissioner Stowe seconded. Motion carried.

Commissioner Stowe moved to come out of the Board of Social Services. Commissioner McCown seconded; motion carried.

Resolution concerned with the approval of a special use permit application for a commercial/recreational facility for Glenwood Caverns, Inc. and JMB Properties, Inc.

Chairman Martin summated his field notes for discussion regarding wording in the proposed resolution. Clarification, corrections, deletions, and additions were made and the corrected Resolution will be submitted at the June 3, 2002 meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution for the approval of a special use permit for a commercial/recreational facility for Glenwood Caverns, Inc. and JMB Properties, Inc. with the corrections no later than June 3, 2002; motion carried.

Signage on Mamm Creek

Discussion - Speed limits are set by this Board and not an industry.

Executive Session – CMC Joint Litigation with the County and Parking Issues

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the aforementioned items. Motion carried.

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

ADJOURN

Attest:

Chairman of the Board

MAY 22, 2002
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
GLENWOOD SPRINGS, COLORADO

The special meeting of the Garfield County Board of Commissioners and the Fire Districts met on May 22, 2002 at 7:00 PM with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present via telephone. Also present were Emergency Management Guy Meyer, County Attorney Don DeFord, and County Clerk & Recorder Mildred Alsdorf.

Others present:

Mike Morgan – Rifle, Ron Leach – Carbondale, Mike Piper – Glenwood Springs, - Silt, and fire chief from Parachute.

Commissioner McCown mentioned that what prompted this was conversation at some of the Emergency Communication Authority meetings. As you can on the map, we have significant holes in our fire protection Countywide. Is there anyway we can instill and interest that we can eliminate those holes district-wide. There are advantages and disadvantages and we have heard the arguments both ways, but can we sit down and come up with a plan to eliminate these areas that do not have coverage in Garfield County. This has to be a unified effort. Where we were willing to come in to play is the area west of Dave's district, that small area west of the Parachute/Battlement Mesa that is currently covered by Mesa County. What we are willing to do is try and initiate meetings down there to create districts simply as a financing entity that can be paid back to Mesa County for providing the coverage. We do not plan to go into the business of fire protection districts in that area, but we need some kind of mechanism to reimburse Mesa County for their services. As you can see there is a big area upon Missouri Heights, thirty square miles per Mike Piper; significant problems up the Sweetwater Road – Mike has a corner south of the river that is a problem. Dave is in pretty good shape if you look from County to County. What I'd like to do is see if there is an interest in doing this. Can it be done? Do you want to do it?

Mike Piper asked if it is fire or is actually taking responsible fully as a special district would for other things other than fire.

Commissioner McCown said he didn't think you could isolate the two realistically.

Mike Piper said the problem statement is that one-half the County if you look at the map is uncovered as far "fire protection or emergency services." And, probably half the County as well has in those areas probably the minimal population and tax base that can support this.

Commissioner McCown – so oftentimes tax base and demand for services go hand in hand because the population is very sparse out around Baxter Pass as well.

Chairman Martin – there is a source there, the active coal mine.

Ron Leach – these district boundaries that were drawn up many years ago have some holes in them the way it is right now and by annexation agreements and as things branch out and goes it owns ways, especially in the areas that were developed first and it moved down valley, etc. you notice that things are more square and they said let's take this thing from County-line to County-line and this is the population to deal with. I think your statement in saying public demands certain areas and services is why the boundaries keep moving out.

Commissioner McCown reminded the group that this is an informational meeting and there is no need of pursuing it any further and there's no need to create any brain damage if it's not going to happen. But, this all actually got started in the talking stage well before we knew we were going to have this critical fire season we are in the midst of now. This brings it to a higher degree of priority.

Mike Morgan - The only question I would have is that Statute does say that the County can impose a half-mil for fire protection. Is there something in there that says.....? The only problem that I would have going that way to raise funds to pay Mesa County is County-wide, even those in established districts, would have to pay into that, you couldn't necessarily segregate certain other people out of paying.

Commissioner McCown – no, that area could become a district.

Mike – so the County would form a district by itself and not impose this Countywide.

Commissioner McCown – right. It would be a district in and of itself and it would basically be without a fire house.

Chairman Martin – and at that point you would have to contract with whoever provides the services.

Commissioner McCown – all it would be is a funding mechanism that would allow those people protection.

Mike Morgan – if we establish the uncovered areas with a mil levy tax that provides the County with voluntary resource to be able to contract the service, somewhat like BLM does it. They hire summer-time crews.

Chairman Martin – that's a possibility.

Commissioner McCown – the difference being in that area as you can see how it's blocked out, wouldn't be a problem. These area that look like a saw-tooth would be a problem. There are already districts there.

Mike Morgan – clarified by saying if I knew that I had somebody to come to my rescue I think currently we go out and it is contiguous or it's adjacent to our district, we're going to go up there and try to find who's it is and try to do an initial attack on some of the these things; it's the remote areas where we're not going to get there, we're not going to go there and we can't do extended coverage there. Some of these things we can do if I know I've got the troops coming in to the line to be able to stay there. There's a long extended period where you have multiple resources from multiple bays – I don't that anybody can do that.

Chairman Martin – what we're looking at is adjust any kind of boundary, put a mil levy on it in the district and to create a fund for either contract or to expand some boundaries with the added revenue. How does it work, because everybody is taxed for manpower, equipment, training, and time. Will this funding mechanism assist to allow you to expand? Or, would it allow you to be able to contract with the County to go in and take care of the issues that you are having?

Mike Morgan – I don't know what that funding mechanism would generate and I don't what the cost of that would be in crew dollars to be able to provide fire and possibly EMS services as well strategically locate them in a certain area; we don't know what the call volumes are, this history or the statistically information that says for system status of where we place these people.

Chairman Martin mentioned we would have to call upon the Sheriff for that information. Tom has some information in his last seven years and should be able to pull up some information on calls.

Mike Morgan – you probably know where these problem areas are and obviously, Ron's group went up there on Missouri Heights forever.

Commissioner McCown – they did and that's generally, what stemmed this conversation because I think if the fire bell rings or the phone rings and it's an ambulance call, you guys are going there anyway. But yet you are going into areas and I know you don't have an obligation to go in those area, but you do and you're not collecting a penny in tax, so right now these people in these areas that are not included are getting a free gratis service. All the rest of us are paying for it. To me it makes sense to incorporate those areas, and then you're obligated. Well yes, but you're going now – you may not stay an extended time, but you're making that initial charge up the hill to find out where the smoke is, you're going to go with the ambulance if you receive a call with somebody with a heart problem. You're going now without the funding. I admire you for that and I know I appreciate it for the people that are not in districts that you're serving, but I don't think it's your greatest and best interest to do that – to not collect the tax money, you're serving them now anyway. I think Mike and Ron and your two boards could definitely get together and improve some lineage on your districts – that thing looks like a saw-edge. I don't know if it's to the advantage of either district to have that kind of a contorted boundary.

Mike Morgan – I don't; I know there's some things that have grown up there over the last ten or twelve years that probably need to be adjusted.

Commissioner McCown – I don't know how these boundaries are laid out; I know a lot of things have changed since they were laid out.

Ron Leach – I've got three miles above you here that's basically outside my district and obviously we go up there as well out of the goodness of our hearts so to speak. We go up Hanging Lake Trail in two to three hour extended evacuation problems and it's not taxed.

Chairman Martin asked who would oversee the financial or administrative management of those outlined and newly created districts.

Commissioner McCown said he thought the County would have to take that responsibility until we could come up with an elected board that would serve that particular entity.

Mike Piper – One of the problems I can see when you mention Hanging Lake is that's all federal land, we're not getting any part of the PILT money anyway, so that's not going to fix your problem. What I'm saying is we're going to fix this taxing district and we're going to incorporate all those areas, you aren't going to be paid anyway.

Commissioner McCown – we do not have any mechanism available to do anything other than with County and private lands.

Chairman Martin – we cannot get those federal guys to give us money when we respond. The other thing, on that map the real dark area, is federal land, the lighter gray is not.

Ron Leach - if you can contract for services with a special district, can you contract for services with federal agencies as well?

Commissioner McCown – where are you going with that?

Mike Morgan - These are private lands in Garfield County that are not state or federal so if you were in a special district and we took all the gray areas on that map that are not covered and created a district, which can split venues because it is and say that is a special district areas and then have that special district contract for services from the federal people to fight fires, to use their equipment, they have the manpower just sitting there.

Commissioner McCown – I don't think they can commit their services to lands that are not federally owned lands. There are very few areas in our County that's not going to affect their land pretty quick.

Tom Dalessandri – the fire fighting on the federal lands is not really much of a problem. In fact, they come in with resources we can only imagine.

Ron Leach - That's what I'm saying we're already doing the bulk of it anyway and what we're trying to say is how much does it cost to help protect the rest of this thing if we can't protect ourselves.

Mike Piper - This is tentatively like what's going on in the world here with terrorism and all the federal dollars for this and here's the local municipalities and small little districts with volunteers that have no abilities to get out here and do this stuff that we're asked to do, the ambulance service and all the rest of the things as well, we have crews sitting down there right now that are going into lands that we don't even have any monetary return from and taking care of everybody and there's not a cross over. That's where I think we have people out there doing this who's prepared and able to do that, that's there jobs and then we're going to raise money up from a special district and try and contract with people that are volunteers who have full time jobs and we may not even be able to muster enough group to even go out and do the job anyway even if we have resources.

Commissioner McCown – And we may not, but what we're trying to eliminate is the financial hardship that those groups are looking at right now that are responding to calls in our area and not getting a darn thing out of it which is not fair.

Mike Piper - No and I don't think it is either, but I wonder if all the money that we would need was there if I'd have the amount of manpower necessary to go do something.

Ron Leach - If we can back up a minute and ask what really prompted this discussion and that we get together. We know that there's holes within the County that aren't served by fire districts, the vast majority in looking at the map is federal land, so we have to go in and provide services. We can locate it, we don't even have to do anything, we can say, oh the fires's on federal land and then call them up. Any place that's not in a fire district is to provide EMS service and have them pay for it, and now the only thing we would do is to put out a structure fire. So the question is, do people that live in this area want it or do they like it the way it is. Have they called you and said we want fire protection.

Commissioner McCown – yes, they're concerned that there is none and this year there is heightened concern because they see what's going on all around them.

Ron Leach - The other side to that is, sometimes people decide to live way out of town and they move here from California and think you can dial 911 and someone's going to come zipping from around the corner – well that's not the way it is. When I moved to Missouri Heights in 1989, my wife picked out a lot on Panorama and she said I want to live here, I said fine, two things, if the house was on fire, burns down, and if one of us gets hurts, throw us in the car and don't wait for an ambulance. Do you still want to live here? She said yes. Okay, we built a house. They still call 911.

Mike Piper – Yeah, I understand that and we'll get there but sometimes people have to realize that you chose to live where there is no service and we can't be the answer for everybody all the time. Can't be cleaned up some – probably. And, in essence, it's private property that we're talking about.

Commissioner McCown – that's one reason why I asked you guys here. I'm not concerned about our federal land because they handle those fires.

Mike Piper – I asked Ron last week, reading something in the paper about that happening over in the Golden fire district, and I said, if we run up there in Spring Valley or Homestead Ranch for a structure fire, can we go, they're not paying. Why don't we just send them the bill? We need to research that; we can't charge somebody for a fire that pays taxes to us but what about if they don't pay taxes to us. So, that solves the dollar problem. The next thing I think is, if probably every fire district here has the same thing, where're the people going to come from. And the amount of money that it would take for us to provide

meaningful fire protection in homes that are in Homestead Ranch and Spring Valley and all of that, would cost these people a fortune because otherwise we're going to be there in 45 minutes and it doesn't matter anyway, it's all over anyway. So, for them to get it, you would be surprised what that would cost and I would not be in favor of expanding the district to provide a lesser level of service than we can comfortably provide in our district. So we can provide service level A, so to speak, and we know if we take the rest of this up here, it's going to be level B – I'd never vote because our standard is now A. Years ago, it might have been B, that's okay, but you can't give less and there's no people and we're all volunteer fire departments.

Commissioner McCown – and that's my question so actually none of this is better than less.

Ron Leach – we'll get there but there's a difference amount of obligation. If you're talking about Spring Valley area, Mike's cut a deal with them up there and he has a plan to provide fire protection. He is there; he's the fire chief for Spring Valley.

Mike Piper – Nine square miles, not the rest of it.

Ron Leach – I think whoever services that Spring Valley Ranch up there, needs to service the whole top of that plateau – you can't just say I'm going to stop here at the gate, Mike.

Mike Piper – No, I'm not saying that. What I said was I have a contract with that, but I did say in the contract that we would do what everybody's been doing, which is service the areas outside their district because it's the right thing to do. And, I agree with that and as it expands and builds, it could possibly expand the district as well, but it has to pay for itself. The only reason we're up there now is cause it will pay for itself for those nine square miles. Will it benefit everybody better; will more than less, probably.

Commissioner McCown – What you're going to see Ron is probably a different shade color in that nine-mile square area and then back to the gray around here again.

Mike Pifer – we're been there, we're going to go outside the boundaries for CMC or Los Amigos – we go there now cause we're right up there. They are paying their way, the developer, for the services that are there and it's not great but it sure beats what was there by a long shot. And, it gives us an opportunity to springboard the rest of that. Actually that area will be covered as it develops out and if people, once we get to an area where we can annex that into the district, and individual properties or links of places, I think that can backfill in very nicely later on.

Commissioner McCown – Probably population wise that's the densest population we have in the County without coverage. Mike's area right there next to the County line.

Kevin or Ron Leach – the problem area that I'm familiar with of course which is up there at Spring Valley and Buff Point Ridge, to be honest with you, we go up there maybe three or four times a year. That's all that we really go there and it's not really a lot. When Spring Valley – Chenoa as it is now, when they came to us first and asked us if we would annex that area. We said well we'll take a look at it, we did a pretty extensive study of that and decided it was in our best interest not to take it in. And, I can reasonably say the current philosophy of the Carbondale Fire Board is not to really expand our boundaries – we have our hands full. Could there be some cleaning up and things – probably but we wouldn't go up there knocking on doors as an example and say I didn't know you wanted to join the fire district. We've got our hands full doing 3,000 plus houses covered just in what we have already.

Tom Dalessandri – On these houses, MOU's with fire districts to say, yes we will respond pretty much with services and yes we'll change them an out-of-district rate and on the EMS services and if you request mutual aid thought the sheriff to areas outside the district, frankly you'll respond and that the County, which now has the capability of assisting the fire districts and recouping those costs through the landowner, that the landowner gets charged those fire fighting costs, whatever they are. It gets passed on to their insurance company. And what's happening on a lot of these lands, especially way out in the outcrop areas, are that the landowners are telling us – let it burn, unless it's a danger to timber land or whatever it is, grass fires, they don't care. We let the last one up on Douglas Pass burn, the landowner responded. We just monitored it and it burned itself out. It was bordering BLM but BLM wasn't concerned because they'd never reach that fire before it petered out so, if we have structure fires, obviously we're going to call for help and we have the statutory capabilities of assisting and recouping those costs now.

Commissioner McCown – I didn't think we did.

Chairman Martin – the Sheriff can.

Tom Dalessandri – we can recoup. We can assist and recoup the fire district if the fire district makes that request.

Commissioner McCown – for wildfires.

Mike Morgan – yes for wildfires. The State Patrol can assist in Hazmat but nobody can assist right now in structure or their EMS.

Commissioner McCown – and there are some houses that in areas that can't get insurance. They don't have mortgages – they just pay them out right.

One of the speakers summarized by saying that I think the golden egg out there, and we're talking fire a lot, the golden egg is EMS. We can bill and we haven't had a district rate, we charge people that don't live in our district more than people that live there do. And, we can do and it creates some revenue for us, but it does not create near enough to compensate for what potentially is the cost. If we look in our boundary and we look at it all going to Rio Blanco County on the flat tops and all of that country and we've got two ambulances right now, we're running with volunteer crews and we run a call up there, we're taking potentially seventy-five percent of our manpower resources and fifty percent of our EMS resources out of district to provide that service. This is right back to where a lot of this originally came from is that now what happens when grandma trips at the senior housing and doesn't count, and that to me is the big issue and we're right back to that same thing – we want to go, we probably will go.

Commissioner McCown – How many calls do you get a year up to Bob's establishment with somebody drowning or on up to the creek to the Rifle Mountain Park somebody hanging on a carrier or upside down up there and can't get down climbing rocks – all the way up that corridor is potential for service, yet they're not paying a penny – it's all public land up there.

Why can't the board – I think you all do that. I would encourage and the advice I give the Board is that for sure there is a problem and I don't know that we can come up with a solution and answers and whether the answer is for Carbondale to expand and Glenwood and Rifle, Parachute folks all expand and set this up – maybe that's the best solution but then maybe there's something else. I'm glad that the Commissioners called the meeting; I think it's long past due for the Commissioners and the fire districts to sit down and talk because I think there's a lot of other issues out there with codes and all these other things that need to be addressed to some point and I'm more than willing, with their blessing, to sit down at other workshops and maybe try to give my assistance in coming up with some potential solutions to it. But, I think overall the Commissioners are going to have to rule that option A the best and see if we cannot buy into it.

Commissioner McCown – I know since I've been on the Board I can honesty say I can't remember a time we were reviewing a land use issue of some type that had a recommendation from the fire department that covered that particular area that we didn't implement that recommendation. We've gone to sprinklers in areas where you've recommended them, we've pretty well done everything you guys have wanted us to do when it comes to land use issues and that's why I'm glad to see everybody here tonight is because what else do you want us to do to address this problem. It's kind of like the ball is back in your court if you guys tell us there's no fire protection, we're probably not going to approve it – it's that simple. That's a requirement.

Chairman Martin – we recently adopted the fire codes more than just in reference, also the defensible space and what-have-you. So, we do have a little bit. We also need backup from the fire districts. The areas outside your district still are gone to development, still need a review, that's where we can start to get some of these things corrected. If there is within the Glenwood and Carbondale districts if there's something, we can sit down and say we need to adjust the boundaries, well then let's do that. Let's do something to make it better for both districts and County, the Sheriff, even the federal agencies agree.

Bill, Tom, did I understand you adopted the fire codes and the enforcement for all.

Chairman Martin – Bill, we don't have enforcement.

Bill – that the biggest issue we have.

Don – it's not in our resolution.

Mike – there's no reason to take a truck up if I know there's not going to be water that there's not going to be a road in, that's there not – and I tell the County to adopt the enforcement of not just subdivided areas but on every personal property because we don't even see those. There's really no reason for us to go.

That's another reason why we don't want to expand.

Chairman Martin – well, we don't have another enforcement agency other than the Sheriff who's bound by Bill – we're the ones who's, when they do the permitting, every parcel that gets built on has to have a permit.

Don – we do have that as part of the building permit process, but the other part you're talking about we don't have – that is existing structures.

Bill – Yeah, but on the new building unless it's a subdivision, we don't see those building permits. If somebody wants to build several thousand square foot house and they own all the property, we never see it

as a subdivision review, they just go built what they want. And there's input from the fire department unless we physically go out there and we've got something within our district, but if it's within a not covered area, unless you guys have something county-wide, they're going to build out there what they want and then we show up and holy mackerel it's a nightmare.

Chairman Martin – through the building process we have to have reference to...

Don – we do in the building process, we get a set of plans, and it's supposed to be reviewed for the fire code compliance.

Bill – but do they have to have a rural fire water cistern requirements, do they have to have 290 standards, do they have to have a big enough structure – are they required to have sprinklers in the residence, there's a whole bunch of things that are code but if nobody's doing the enforcement, at plan review or permitting, a single structure -

Chairman Martin – a lot of that that's going through the set of plans through the building department, they are going out and physically inspecting it and certifying that it's been done. I don't think they're doing that, I'm not sure.

Bill – they've got a punch list that go through and they check off that's just not a box being done and maybe, that's been our argument all along. We need to have that as a box and until we do the reference and the enforcement, it's not going to happen.

Commissioner McCown – now are you saying you want to review every building permit.

Bill – No, we're just saying that the fire codes not only need to be adopted by reference, but they need to be adopted and enforced as written.

Mike Piper - There's two parts that are adopted by Resolution and you have a model supplication code that's a part of our code that gives you the enforcement capabilities. What Glenwood has in the 1997 code in the city and the 1994 code currently in our district, we adopted a vote by Resolution but we excluded the model citation code, so we have teeth so to speak, but it doesn't bit very deep if somebody said, I'm really just not going to do it. We can't cite or arrest them or stop them.

Chairman Martin – that's something we need to explore to make sure that we've got that in place.

Commissioner McCown – we adopted that by Resolution,

Don – but not the enforcement section of it.

Commissioner McCown - not the enforcement side of it.

Don – so we need to go back and take a look and see if that's ...

Mike Piper – which is, because Tom technically is the fire marshal within the county and those areas outside those fire protection districts or cities have - he could be the fire marshal that is the enforcement arm of that which then takes those 35 acre parcels that are outside of any fire district and they can put on whatever they want on that thing technically. If the County adopted it, then he could say, you've got to have fire protection, you've got to have this, that, cistern tanks or

Commissioner McCown – That's true but the Sheriff's not reviewing every building permit.

Bill – well, there in lies some of the problems that we're doing – you've got the wild land component, you've got the hazards materials component in the County whether he likes it or not cause he is the fire warden in the County and he also has to gear up for anything outside of the city municipalities that they are for hazards materials response, etc. staying on it.

Ron Leach – well Larry, what is it that you wanted to see come out of this evening. What is your expectation or your desire to come out of this meeting?

Commissioner McCown – actually I'm getting it – I'm getting the information back from all of the different boards and departments on where you feel we need to go to cure the problem and it's not expanding districts. That's the first place it isn't. Where it's going, I don't know but that's the clear thing I'm getting out of the meeting so far is that nobody wants to expand their districts. So then, that puts the ball back in our court to look at other objectives. What do we need to do? These people desire fire protection they deserve EMS protection, they are County residents just like the people living at eighth and Grand. Now they're living where they're living by choice.

Ron Leach – they chose to move and live where no service was provided. That was a choice on their part to go there. So, do they deserve to have somebody come and help them, yes. Do they deserve somebody to be there in three minutes? – Just not happening.

Commissioner McCown – I'm not putting on the response, I don't think you can with the length of Garfield County. What I'm saying is,

Mike Piper – But what I think is coming out of here is they won't get out but they will get help from everybody and we'll go and we're get there.

Commissioner McCown – but right now there's no obligation to help them.

Ron Leach – But nobody is being turned down.

Commissioner McCown – I know, and that's my point. That's what I'm trying to do, if you're going to go anyway, why don't you include it in your district and get the money – there's not nickel/dime houses of Missouri Heights – there's a good tax base up there. And, you cannot correlate it, fees and services together in the same manner; no body could afford the service. It's a governmental service.

Ron – they're paying taxes though, they want to climb to expect a different level of service rather than – we had an instance up there, fire or EMS or something, but he came down and beat on the door of the station and screamed and yelled at the resident there why are they covered. You're not in the fire district.

Commissioner McCown – there are people in Garfield County in remote areas that think their road should be paved in front of their house and that road serves two houses – we hear that all the time. They are taxpayers; by golly, they want their roads paved. Same with fire protection and EMS service.

Kevin – well they have the option of forming their own district. All the boards here, maybe not the people sitting here in this room but each one of these districts chose to set up a fire district to protect themselves. They have that option to do that themselves. Those people that are that concerned, they knew the same thing that these boards did. I know that's not what you're talking about, but maybe the people that have that happen and they decide they want to do it themselves.

Mike Pifer – Spring Valley's a classic example of here's a subdivision who wants to come in, they come to Carbondale and says we want to come into – I understand what they're saying, I can't do it either for what they want us to do was to just annex them into the district. I can't put people up there; I didn't have the manpower, so we contracted with them. We said, you pay your own way here until the point comes to where the houses are delivering tax money. We figure 177 of the 577 homes that are planned would be enough to provide full time coverage cause it would generate at our current mil levy \$583,000.

Commissioner McCown – don't tell me that because I thinking the other 400 would be gravy.

Mike Pifer – it cost us \$500,000 just to put manpower up there 24 hours a day, so we didn't want to annex them, we said we'll contract for services with you so that we can get money up front so that we can provide those services until the tax money caught up with it. Now what I think we can do up there in that section, is to spring board that process and start maybe once we get up and running and they're up and running and the tax money is up there, to take advantage of the rest of that tax money that's up there and extend the district boundaries for that. That seems to be a logically move to provide services that are already up there and adjust as John's been saying and adjust some of the boundary lines as it goes along there. And as a little bit more, we can add more people and the equipment is there because they paid for that as well and we can clean up an area that is kind of a no man's land up there. That's our plan, but it's delayed a year now already and I don't know – they're supposed to make a deposit next January and I hope they do, but if they don't we sit still until things change up there.

Commissioner McCown – and I think it's a catch 22 for them because they can't do anything if your contract isn't valid.

Ron Leach – But the only reason – what I'm getting at was I didn't want to see another special district up there. I don't think another form or branch of government up there when there's already one next door that could expand out there if the monetary figures were correct, and not make another special district. You see that on the front range quite a bit and in the future I think we have to start moving some of the fire districts together – consolidation of resources and manpower or districts that could be combined to spread these boundaries out a little bit.

Chairman Martin – that how we're exploring too on that possibility with the increase in revenue for the districts, are they going to go ahead and merge or they going to have a mutual area where they can cover each other if one can't respond, the other one can with a MOU. We've got to get somewhere. If we have to take it back to enforcement and building areas outside the districts, well then that might be a starting point that we have to debate and bring into a public hearing, to either adopt or come up with another option.

Mike Morgan – maybe we should focus on one area and chip away at this, instead of swallow the whole fish. Maybe we need to look at the most problematic area, the most frequented calls where they are building the most homes and say, point at this one right now. As Kevin said they run four calls a year up there and so maybe that's not the problem right now. I think we need your reaction to Porcupine a little bit last year to kind of say, gee what do we do with situations like that.

Chairman Martin – and again that's just trees and no structures.

Commissioner McCown – every one of those four calls that they ran were very important to those people that picked up that phone.

Mike Pifer – absolutely they were, but as Kevin said, you know they moved there with that knowledge and without that expectation.

Kevin -See, I look at it a different way than what Mike says and again I'm really not familiar with Spring Valley and Chenoa bit, I think those people actually need to form their own district. That whole thing should be made into a district and those people need to do a grass roots effort the same way it was done back in the 1950's when Carbondale started and you know they buy a feeder truck and somebody donates a piece of ground and they put up a metal building and they get something up and going and population comes in and eventually when there is enough revenue it would be swallowed up or absorbed, merged with one of the other districts. Personally, I think what's going on up there with Chenoa and Glenwood I don't think is truly correct. I don't think that a right thing for the government to have a deal with the developer. It like oil, water, and I don't think it should fly. Those people should make their district and it should be a district up there that might contract with another district for service. But we're all on the same level and it's the same kind of people; and as the whole thing goes, eventually it merges and moves into one district. That happened a lot on the front range, these districts were formed, houses would get built, they would be absorbed by west metro, and then next one would come, and they all had outstanding fire service today, but those people up there, and I keep saying those people, those people are the ones that have to initiate it if they want it and let them do the bake sales and the things that maybe you can tax that part separate somehow and give them some revenue to help them get started. It's a good way to do it. But they have to want to and I know what you're saying well we want fire protection but what's the percentage that are really coming in and saying. It's like the two people on the dirt road that want pavement. If they as a whole want it, they'll make it happen. You know, Landis Creek is being formed as a metropolitan district and that contract is going to be transferred to the Landis Creek so they'll be a district. They technically could provide fire protection services through Landis Creek Metropolitan District as well for choosing the contract with our special district for purposes being talked about. The initiation of that contract correct was with a developer but I got the paperwork on my desk today that says Landis Creek is having the hearing next week. So, I think it's coming to where you're saying and I just think this is the 21st Century here and the days of going out there and trying to help your neighbors put the barn out is gone. You've got paramedic expectations and EMS expectations and hazard materials and if you've got someone already providing that service who can expand that with a few extra bucks is more where we need to be heading instead of going back to the days where we had a truck that may or may not start because we only ran four calls last year.

Commissioner McCown – the main thing I want to avoid is red trucks and ambulances with Garfield County logos on it.

Kevin – I'm just talking. We're in that business and we want to in that, it's just when

Commissioner McCown – we don't want it

Chairman Martin – and we don't want the Sheriff

Kevin – and I don't blame you and I don't think the Sheriff should be in it either, I think that this thing is an evolution process and it's going to take a little time and I think, as John was saying, we only need to chip away a little bit of this stuff, but it's not going to happen overnight.

Commissioner McCown – No, and I knew we wouldn't leave this room tonight with all the fire problems in the County solved, but at least we've got people thinking, well, which is the best way. I don't know that we're going to come to a consensus tonight either, but is it better to expand districts, is it better for districts to merge in areas of common interest where they share the responsibility? I don't know. You guys are in the fire business. I know we have areas in the County that doesn't have coverage – that's my primary concern. What it takes to cure it, I'm looking to you guys for help is why I wanted everybody's that here tonight and I'm sorry that some of them are not here and didn't come because they have problems in their areas. So, at least we're thinking and we're talking, and let's be realistic on what it's going to take to do it – I still disagree to an extent, I think some service is better than none, slow service is better than none, I would rather know an ambulance is going to be here in 10 minutes than one's not coming. That's just the way I would feel about it, but that's where I'm trying to go is what do we need to do to cure the problem. And then let's chip away – your area is clearly the heaviest populated area – maybe you only made four calls last year, had a great year, but I think your two areas are the heaviest populated but the further down the valley we go, the areas that don't have coverage are much sparser populated. Some structures are affected but not to the significant amount that yours are so maybe your two areas are the areas we need to start in.

Female – DeBeque - Yeah, we have a little different problem down in the west end, in that we cross County boundaries and we need some help talking to Mesa County because nobody in Mesa County will talk to us, but somebody, maybe the Commissioners can talk to the Mesa County Commissioners and help us get a more formal agreement because we're providing services there, they have Parachute telephone exchanges, they call 911, they get us, they don't get Mesa County, and their kids go to our schools, they expect, they think they are in our fire protection district.

Bill – their mailbox

Female – they should be smarter than that

Commissioner McCown – the people from DeBeque, the people that live up Roan Creek are clearly in Garfield County, when they dial 911 it rings to DeBeque, which is in Mesa County so, we are talking to them.

Chairman Martin – I think the folks in Wilmot and Mack, their calling and getting Mesa County.

Bill – We don't have any dialogue with Plato Valley, nor is there any desire from them to talk to us; nor does anybody from Mesa County. Mesa Estates – a whole house burned down. This whole humanitarian thing is of the past. We have all examples where we went, did the humanitarian thing and got bit, had to quit and go back home because the taxpayers made a call and we weren't able to answer it in a timely manner and that created a spark in our district. We had no reason to be out there freelancing. We need to stay inside our boundaries and be responsible for our folks.

Commissioner McCown said they were on the mailing list and I was hoping they would come to the table.

Female – I don't know why they are pushing, they're getting anyway with the fire protection district and they need one desperately.

Bill – It sounded like the almost mayor or whoever was talking with Plato Valley and that's great, it was three miles north of DeBeque and that starts Garfield County and there is a lot of land up there – they'd have to have a cross-county fire district.

Commissioner McCown – they are servicing it now, if anything happens up Roan Creek, if anyone responds it is DeBeque.

Bill – that's the problem, they have no service area. That whole Roan Creek area is a nightmare.

Commissioner McCown – we can talk to the Commissioners but if you're dealing from district to district, you guys have just as much input with them as we would.

Female – but there's no district – that's the problem. It's our fire protection district trying to talk to Mesa County as a whole and that's where we not getting any communication.

Bill – their attitude is they bought 40 acres, there's no fire protection required, and they're on their own.

Commissioner McCown – DeBeque doesn't have a fire district.

Bill – it's not a fire district – it's just the town, that's their city department. They have to go through your district up 306 to get to it.

Female – but there's a lot of building going on that is close to the city limits.

Commissioner McCown – okay, well we can address that with the Mesa County Commissioners. At least we can try to get their attention, I don't know if it'll do any good.

Bill – As you were talking earlier I think the best thing to do would be to make that a taxing entity and maybe support the DeBeque fire department on whether they respond to it. Just geographically, there are no common roads to get over there – you've got to go up DeBeque and up the Roan Creek to access it.

Commissioner McCown – and that's actually the only area they can respond to because if not they've got to go to Junction and come back in from Belmont? This is not practical anyway. So we're talking about another district down there and that's why I thought if we could.

Bill – Rangley comes from the north end.

Commissioner McCown – something on Douglas Pass – it depends upon which side of the pass – it's kind of like Rio Blanco hill, you guys run almost to the top of the hill and find out it's in Rio Blanco County.

But if we need to do that, I think we can handle that end because there's really no encroachment – there's no overlap in service – there's nobody there – I think we can possibly initiate something like that.

Don – we can initiate it, it's still going to take a voter approval though.

So now they work for Sweetwater and Trappers where you've got Meeker coming to Trappers and you've got Gypsum going to Sweetwater.

Commissioner McCown – I think it's got the pill a little easier to take, bitter as it may be, if you're providing service outside of your district. If you know you're not just doing it all, free gratis. There's got to be – you've got manpower, wear and tear on equipment – you're going good, sure appreciate it, thank you.

At least if you can bill for it, that's not the reason you're doing it – we don't need to go any further. We'll just have to let it stay status quo.

I have a city and a district and every dime of ambulance revenue that normally would go back into the fire district's coffers goes into the general fund, so it doesn't matter if I'm billing this or that and making a million dollars a year, the city gets that, and I don't get a dime.

I wish this was a black dot, that we have a district because whenever you talk about this district to district stuff, I saw city council say, why would I want to take any of the manpower out of the city to go up to BFE, why would I want to do that.

Commissioner McCown – I think they call those enterprise funds.

Yeah, and it's not an enterprise fund, they just take it off the top. Basically, there's a lot of history and political things that have happened that are creating some of these problems. The boundary lines, I agree, I've been saying that since I got here that the boundary lines are screwy and they need to be readjusted because of developments that have happened and things that are going on.

Commissioner McCown – and I don't know if you can just arbitrarily adjust those because of the difference in mil levies.

Absolutely, why would somebody want to vote into a district that's got a higher mil levy when they may or may not get the same services as well? This has to vote and include – we've already had that discussion with Los Amigos thing – we weren't prepared to have them vote out cause there are sections up there that are in mine and they want to move it into Carbondale and I said well, let me see what happens with Spring Valley because I think if we do go up there, we'd be better servicing that area – maybe we need to have them petition into our district – but we have to wait until other things happen before it makes fiscal sense to do it. Westbank are in the Glenwood District but they have to drive through our district to get to them. And if we ask what side of the house are you on, because the line goes through the middle of the houses – clear that and then we'll come.

Chairman Martin – so you both go.

Can the County impose a mil levy for fire protection for areas that are outside of fire districts that would go into – you sound concerned about reimbursing fire districts that are going for nothing now, rather than having them in fact annex. If there was a fund in the county for these areas and his fire truck goes over here and incurs costs, if there was a county pot.

Commissioner McCown – only if the voters vote it in, because it would be in essence be creating a separate district that would encompass all unincorporated land in Garfield County that is not currently covered by a fire district. And all of the people in that, it would be a nightmare for Mildred to set up that ballot, but it would countywide.

Chairman Martin – the legal description would be unbelievable.

But the vote would only affect the gray areas now; it wouldn't be the current fire districting.

I mean other than annexation or engulfing these things into your fire district, there's no other way of doing it.

Mike Pifer - If you do that in a piece-meal aspect, because of the nightmare of trying to do the whole county, Missouri Heights as an example, suppose you took that whole piece up there and said okay, we're going to tax you up whatever it is and that money's sitting in a pot, and then we have a mutual aid agreement with the County, the County doesn't own a fire truck, they don't have an ambulance, we have a mutual aid agreement, and we're reimbursed for the runs that we do. He gets reimbursed for the ones he does, and vice versa. But maybe we can't solve the whole county problems all at once, but start on one end, the populated end, which would make sense, I guess, and start moving down.

Commissioner McCown – I agree with you in theory but the reason that you gave a few minutes ago that your department couldn't do it, doesn't make it any easier to do if we were contracting with you. You can't provide that service, we wouldn't want to contract with somebody that can't provide service. You're not willing to do it as a district, but yet you're willing to contract.

Chairman Martin – it goes back to those three elements – time, people, and equipment.

Commissioner McCown – it's like being pregnant – you either are or you aren't.

Mike Pifer - but didn't you say you're going anyhow and you might as well get some ...

Commissioner McCown – and that's why I said it should be in your district.

Mike Morgan - I agree with you Larry, we can say we're going to go anyway, and we will go if we can, but the day is going to come when, we have two ambulances in Rifle, those ambulances are going to be tied up and you're going to call and we're going to say, yeah, we'd like to come but we physically can't.

Kevin - That's the difference between a mutual aid agreement. If you had a mutual aid agreement, that would say, provided we are able to do this, and still gives us an out, to say no, sorry we can't come, or yeah I can get some people up there, but I've got to bring guys down from Marble to do it.

Commissioner McCown – but you know they're going to call you as the second responding agency and they're definitely not in your district, to see if you can send somebody.

We had that circumstance happen up in Homestead they called in a fire, Carbondale was running on two other calls at the time, and we asked them to transfer that call to Glenwood and Glenwood was kind of hesitant to go up there, but they did and the people up there were extremely upset because Carbondale did not respond.

They thought they were in the fire district. They're not reading Mildred's letter that she sends us every year. Yeah, check your tax bill.

Commissioner McCown – you'll find a missing line on there. And that's true to an extent; a lot of people actually and sincerely believe they have coverage. They are very sincere in their belief and it's out of lack of education – they just don't know any better – they think they can pick up that phone and the big red truck's going to show up.

How do we get these areas to get to a vote to move them into these – redefined service areas?

Commissioner McCown – well again, that's something we as a County can do. We could initiate the ballot issue but unless there's an interest among the agencies out here to take those people in, we're not going to do that.

Can you take the pulse of an area somewhere and see what they really pick – pick one of these areas, do some kind of mailing to them, call them in the same as you are here, say listen, we're trying to do something here – do you people want – if you'd mail out 100 of these things and two people walk in here, Tom - Most of them won't want to – it's just like up at Jim Sears neighborhood up there, he would pay whatever it took to get it into a fire district because he understands, but he has talked to his neighbors and they say, why in the heck would we want it, we get the service anyway.

Commissioner McCown – yeah, that's the other thing, they are getting that service free.

The other thing is that fire happens to your neighbor, it doesn't happen to you.

Commissioner McCown – the mentality is and they see it happen, there's trucks coming up here anyway – the fact of the free service.

So we should bill them and not let them get it free anymore.

Commissioner McCown – I think you can.

Free service has got to come to a stop.

Commissioner McCown – that would be the rude awakening for some of these people to educate them because they talk amongst themselves and if they go, wow, I got a bill for \$4,000 the other day for coming up here and putting this grass fire out. But, we have coverage, no you don't. They'll start talking then.

Chairman Martin – Don is there a notification process on that where either the Sheriff or someone outside calls them

Don – you're right, technically it's supposed to be going to the Sheriff, Sheriff notifies the district, district goes up, district bills them directly, if they don't get paid then there's a mechanism to give it to the Treasurer, put a lien on a house.

Chairman Martin – so there is a sequence that has to take place in his office.

So if they call the fire district and you respond, you can't bill them?

Don – well, that technically, what it says, it's safer to go through the Sheriff and I know you literally met the provisions of the statute.

The guy working on a structure fire up in wherever and it takes forever for us to get there, and the thing is we still go, and it goes to the ground, and we give them a bill for \$3,000 and they say, I've got a bill for \$3,000 and nobody saved the house, and what good is this.

Chairman Martin – it's going to be a choice of the fire district.

Right and the insurance companies are what is driving – the people may say, I don't care, I've got good insurance.

Tom Dalessandri – Don, doesn't that statute you're referencing apply to wild land only.

Don – no actually, this one can go to structure fires, the Sheriff is simply the notifying agency, not the fire-fighting agency, but it goes to any fire.

Because I know we did that earlier, and it was for wild land, which he's responsible for

Don – there is a statute on wild land fire where he is the responsible fire marshal.

Kevin - so would it be in our best interests that every time we go out of district, to just notify the Sheriff's office. WE notify the sheriff's office, would you be willing to back us up on collections.

Tom – well, as I understand it, I'm the conduit to say to you, okay you have the authority to bill right?

Don – that's right, you're the authority to say there's a danger to public health, go fight the fire, and once he's said that, then you can bill directly.

Tom – so what I can do it a standard Memorandum of Understanding that says you'd be the authority to bill outside of your fire district and then if you can't collect, then we go back to the County and say – every fire district gets a letter that says you'd be the authority to bill them.

Chairman Martin – and that's a step forward. And that's what we need.

It make wake a few people up and then the guys go, I didn't even call you, the guy down the street with a cell phone called and said to come and they gave them the authority, I got billed for \$5,000

Commissioner McCown – he still had the fire.

He still had the fire but it's his fire, it's his house, and you bill me for something, what kind of service is that – you know I'm not even in the district; I didn't even want you to come.

Don – but that's why it's important that the Sheriff make that judgment as to whether it's a health, safety, welfare in danger – the call comes into the Sheriff, some guys barbecue's on fire, he's probably not going to notify it, but if the house is on fire, or something else, he goes ahead.

Tom – I remember too that there's a statute in that, if he calls the fire in, it's a controlled burn, he calls in, it gets out of control, there's no recourse for reimbursement.

Don – I didn't get through that part, but

Tom – yeah, there's a whole bunch of stuff in there that, we can go and we won't get paid if he does the right steps too.

Commissioner McCown – there are not controlled burns right now unless authorized by the fire district.

Bill - I think from a big picture standpoint that is speaking to me, is the concept of the County collecting some tax dollars to offset costs for emergency services. And I'll use the Porcupine Fire what I think kicked this whole off and Larry and I have had this discussion – 2000, 3000 acres up there of timberland that some development company owns that has got a letter from us that said, you're out of our district, we don't serve it. The fire up there turns into \$130,000 to fight the fire, this guy knows he not in the fire protection district, he gets his fire put out, the tax dollars puts the fire out anyway through the emergency fire funds, he doesn't want to be in a district, and say if he did want in a district and we turn around and say, okay, we're collecting \$500 a year for this bare ground, we could fight a fire up there every 300 years and we'd be okay to pay for it. So that chunk of property is not good to annex for anybody for that type of service. But what I think the big picture is, we're seeing that stuff all the time, more and more, and we've got the Snaking Fire that cost \$2.5 million to put out, when we get to real fire season in Garfield County, the emergency fire fighting fund is gone. I don't know where we're going to pay for this – in some aspects at least the intriguing thought of this discussion is that maybe we're getting to the point where at least some other form of emergency fire funds or something to help us out when it hits, is not a bad concept to think about.

Commissioner McCown – but what you've got to remember it will only encompass areas that aren't currently in a district. And that's not going to generate a tremendous amount of revenue.

Bill – but again if we had this chunk of property at Porcupine that catches on fire this summer, and we've been billing this on emergency fire plan, there should be something to at least offset the cost for the County. We as a fire district would have the mutual aid agreement with the Sheriff's department about the billing and all this stuff, that at least the mechanisms are there where it's not ours, I need at least \$130,000 out of the capital reserves to pay for this fire because it's not in our district – it still gives us the latitude to do some different things with billing. It would also give us some cushion to help our own expenses.

Tom – some of the things we run into with the property owners, like Porcupine was a corporate owner like that, he says, I'll fund my own fire, which is not necessarily in the best interest of the County and it was the case with Porcupine because he once sent in his wants to send in his own land crew and he did to help offset some of our federal resources and state resources. But the bottom line was that he was ill-equipped, but he was willing to say I'll pay for my own, because I've already have a logging crew and I'll send them it – but it was not in the best interest of public safety first of all and secondly for the rest of the surrounding land for him to do that, so we opted to override his own decision to fight his own fire for purposes of the public safety issue. We'll see more of that – the fire that started up on Douglas last year when the guy was up there with a tractor, it was the same kind of thing, the tractor caught fire and he just walked away and let it burn. Well, it burned up to BLM and BLM was prepared to take the fire until it petered itself out just by happenstance. It's a classic example, he never called us, we didn't even know about the fire until it had

already burned 60 – 70 acres, a grass fire heading for the forest. We see a lot of that on these back parcels, the landowners got to know the odds especially if it's corporate owned, they're going to say, let it burn, or we'll send a small crew of our own over here, then it turns into a huge and rescue effort in the worst case scenario.

Commissioner McCown – well the Porcupine fire was unique in respect that what was burning was the resource that the guy bought for, it would be no different than burning down your place of business – he bought it for a timbering operation and it's been tied up in court, but when his trees were burning, he was seeing dollar signs going away and that's why he had a little different mindset that if it had just been open hunting area that he had for his rich friends. We have a lot of that in our County – some of these people are buying tremendous blocks of property and they're putting nice lodges on them and they are for the friends that come out twice a year.

Just one other thought, if you had a sparsely populated district that you're taxing and nothing happens and those funds continue to build, can you legally accumulate those with Tabor – can that fund be rolled over to perpetuity and become a substantial emergency fire fund.

Don – I think there's a way you could set that up, if you're doing it as a district, and then you have to establish a budget. One of the things I was concerned with when we form such a district such as the one we're talking about, then we lose our ability to do that individual property collection and I don't know, you kind of have to weigh the benefit on that. If you have a very expensive fire to fight and individual structures of some kind, you might want to think whether you're better off trying to bill that property individually than collect taxes on it.

Kevin - Another problem you might be able to help us out with is, water supply. We go up to Homestead, I don't think there's any hydrants up there, I don't even think there's a stock pond up there. It's even a problem down on Highway 82 like BMC and the Mart, there's a couple of hydrants but they really don't have any water supply to them at all.

Kevin - We had that fire at Canyon Cleaners a couple of years ago, and we looked at the hydrants and the situation was where it is in our fire district, there's no water to that and the County, pardon me, continues to allow businesses to be built in areas that don't have water, there's no extension of water lines, there's no provisions for fire protection, the commercial zone keeps moving south and you've got lumber yards and no water. We hodgepodge these things and we're doing it because we're enforcing the code, with Mr. Inverso tried to rebuild his building we said no – there's no fire protection there.

Chairman Martin – there was a movement to create a district, to do the storage tank, etc. and the citizens stopped it.

Kevin – but we did end up fixing the problem. But we don't have good water distribution systems where we band aiding and bubble gumming these things as we go along here by having to put water tanks in. When the line stops, Kurt paid all the way to Buffalo Valley and Holy Cross to get that line over there, it's across the street and we can't get it over on this side. The city doesn't want to extend the line – nobody wants to do it, but yet we're faced with trying to put our fires that we can't put out because there's no water.

The water issue is a much more tremendous problem than going out of district four times a year. We call it the west end, it would be the CMC turnoff area, and you crunch when something happens down there – there's no water. You know what the surface plan for that area is. Put a truck at Cattle Creek and drag out of the creek. Look at the size of the buildings that are there, and we're going to drag out of the creek and run a water shuttle. It'll work, like the foundation for the guy that's building three grand for, we will save that foundation. But it's probably going to just burn to the ground.

Commissioner McCown – I will go back to an earlier statement is those people are willing to build a building out there knowing what fire protection is there.

I built a 12,000 sq. foot building out there – I'll take my chances.

Commissioner McCown – it's the same argument on the water supply that you put on me about responding to the top of the hill. What would be an adequate water supply?

Extend that line out of the City.

Commissioner McCown – the City doesn't want to do it, we can't make the City do it, and you've got to go to a different source, where do you go to?

You go to the Roaring Fork Water and Sanitation. Aspen Glen

Don – they are in their extended service area for Roaring Fork Sanitation district.

Commissioner McCown – yeah, they don't have it over there. They don't want it.

The point is for them to do it, and we, as a fire district can't say, well we're going to put in water lines because we can't do it either.

What happens now is almost too late and that should have been addressed way back when and I know that some of those buildings down there are quite old and it was prior boards, I'm blaming the people that sat here before you.

Chairman Martin – well we still have the current issue.

Commissioner McCown – well, we require, in remote areas, dry hydrants, ponds, dry hydrants in lakes and creeks whenever there it is applicable – we do it. And that's just part of the

Suppose the next guy comes down and builds a 30,000 sq. foot building down by the CMC turnoff, and those plans come up to review and we turn them around and send them back and say we don't think this should be built unless there's adequate water supply. Are you going to deny that man a building permit because we said there's no water?

Commissioner McCown – Most likely if that's your recommendation. I don't know of an instance when a fire district has come forward with a recommendation that we haven't implemented.

That is provided you all see those plans, unless it's a land split.

We, in the past, have not made a recommendation to deny, we have brought this to the attention into the prior Boards that hey, there's no water.

We're probably just – we didn't say, you should deny him because there's no water, we said we've come into the meetings here and said, you know there's no water down there, and they said, yeah, we know.

You don't want us making land use decisions, that's your job.

Well the land use people, there's not water.

That was Spring Valley Campus when they built it – no fire protection district ever saw those plans.

And that's because it's public.

We have no jurisdiction over that.

Once they open a commercial building of that size, you better see it.

It's commercial, unless it's a land split, we won't see it.

If it's in the district it will. If it was in your fire district, we denied Bill Inverso to rebuild that building and he wasn't happy. I go a called an un-American Communist but he didn't rebuild that building until we got water. But what I'm saying, we're building individual well systems all over to allow that stuff to happen, it's not the best but it will work.

Commissioner McCown – there's not a willingness of the city and the districts to run those lines to places they need to be.

Well, I'm a fire guy; I'm not the water guy here. I agree, but that is that the County and City's trying to expand and move their boundaries out and what have you to do that.

Bill – the metro district has the big water supply and then you've just got Watkins Realty that wants to put a subdivision right off of Battlement Parkway – we're not going to extend water service so okay, you're going to have to put a 25,000 water cistern for your property even though there's a whole string of hydrants, because you cannot tie into that, you have to provide your own. They don't like it but we require it.

Chairman Martin - that's road 354, which is not a county road, it's a private easement. We know about that one too.

Direction

Commissioner McCown – where do you want us to go from here?

It's fantastic that we finally sat down and we have talked about doing this for years and hasn't occurred that I'm aware of, for all these boards to get together with the Commissioners and I think that we should continue on and keep trying to help solve each other's problems that we have and it's going to take a while to get some of these things done, but there's a lot more people in this room, and there's not a reason in the world why we can't fix these things. It's not going to be fixed next week, next year, but let's keep the dialogue open and I would say whether we want to try and solve these boundary issues now, but when that gets down, there should be a whatever – we should meet as a group once a year, but there should be something so that we all just continue to talk and stay in touch with each other. See what other people's problems are and how we can help and how can we solve them.

Chairman Martin suggested as a first step that we go ahead and get an MOU together with the Sheriff and the different districts so that you're able to go ahead and refer to the Sheriff and say I need to bill them, and this is what my bill is and he'll back you up. Tom are you up for that?

Tom – yeah

Larry – it is a start, yeah.

Chairman Martin – the next step is going to go ahead and do an internal review of what your district is, boundaries, etc. and then we need to put a question out there - is it able to be expanded, are you able to handle it, you need backing on a ballot question, or whatever – special district to expand and take care of your district; then move on up.

Well, that internal, external – it's like you're saying, maybe the residents don't give a crap.

Chairman Martin – and you need to find out

And we've got to get their feelings as well as what we can do.

Commissioner McCown – I don't have a bit of a problem and I'll be here however many nights a week it takes if we're making some headway, but I don't think there's anybody in this room that doesn't have enough meetings to go to. I don't like meetings for the sake of meetings, warm and fuzzy, hug each other and talk about how great things are, I don't like that. As long as we're making progress, let's keep moving forward, but if we get to a point where we're doing it just because, can it, go back, whatever, regroup and start all over.

Just maybe, let's suppose that we were to annex a section on that Missouri Height's that not in the district, we can charge them at a different mil levy, can't we?

There's a House Bill 1271 that you can create a district within a district and tax them at a different mil levy. Don – yeah, but then you've got a different district structure. You're creating a subsidiary district; it's not the same districts so.

I don't think so, what is says is like you have a special district and let's say, Burning Mountain's fire district has Stillwater coming in and the because it was already within your district, the potential for impact to that district is terrific and the developer has no obligation unless there's part of the PUD or whatever to provide certain services and what have you, so the fire district is sitting there saying, I need a fire station, I need two brand new vehicles, etc. so I'm going to make the boundary lines Stillwater within my special district and tax them at a different mil levy. They have to vote to allow that to happen, but it doesn't create a new district.

Commissioner McCown – that still has to go back to a vote on that district.

When they first came to us and I said, we should look at this and the first thing I'm going to say is that it shouldn't cost anybody in town in the existing district a nickel more.

Commissioner McCown – once you define the legal boundaries of that area that you want to impose a different level of tax on, you are creating a district.

Don – you came up to the county on the Landis Sanitation District over the question of a differential mil levy and at that time the bond attorney's for that district complained that you couldn't have a differential mil levy, but that's long enough ago, maybe this is right – I'll look at it.

It was in last year's legislature. I'll get you a copy of it.

I was sitting there with a trump card, if we did merge that into the district and the amount of funds needed to provide to mean adequate fire protection in that area, cost more than what the monies that we could provide for that, that we could say, your impact on our fire district, because of this, and we want to increase this mil levy in your subdivision or PUD by X amount to make up the difference that we need to provide that service. And that's what I thought this bill did and think that's what the State did when they recognized this thing because that's what was happening. These developers were coming and putting so much impact on districts and they weren't giving their fair share. So the Bill was enacted to be able to allow a district to create a district within a district, so to speak, tax it at a different mil levy to provide those services.

Don said I'll take a look at it - I just know up until at least within the last 18 months that wasn't the opinion we were getting on a bond attorney.

We ran it by Emerson and he agreed that's what it said.

Commissioner McCown – what would be the incentive unless you use Stillwater as an example, they're in the district already, what would be the incentive for them to sign off on that knowing that they're going to be taxed more to be in that district. And they would be the single entity right now, they've not sold any lots, it's a single.

When they sell the lots, they make millions of dollars. Because here's a subdivision that's going to impact the services that are not going to be provided so if you come in with Stillwater with multiple houses and golf courses etc. there is going to be expectations of those people moving in there that 3 – 4 minutes later a paramedic ambulance and a fire truck's going to come. We can't provide that service.

Commissioner McCown – they are in the district, they are right across the river from the station, why couldn't they expect that kind of service? They are in the district and being taxed just like John Q Public that's in the west end of town.

Ron Leach - let me give you an example why somebody would want to do it. Take the town of Redstone, those folks that live up there don't have a fire station, you can see where they would say, yeah, go ahead and tax us an extra mil so that we can have a fire station in our town because without that they'll never get a fire station.

Commissioner McCown agreed he could see that working, but when you've got an area like Stillwater that's already in the district anyway.

For the people that want in the district, and they're trying to get something approved whether it be a subdivision or something, you can hang this over their head – I see it as anteing up – everybody's that's been in the district has been throwing dollars for all these years

Commissioner McCown – that's the triggering mechanism.

One conformation – Derek brought up earlier about basically going to plan review and enforcing code upon review

Chairman Martin – that's my step two

We're talking about one step tonight, your immediate needs for your department, that's probably the most important thing we've talked about tonight in my opinion. And I'd like to know

Commissioner McCown – I don't think we can pursue that in the out of district areas – it's great if we do it, but our first obligation should be areas inside districts. But the guy that chooses to live in the outer area, as Kevin keeps talking, why do we need to worry about him.

Well, the reason is that someday they might be in that district.

Commissioner McCown – but if he has chosen to live out there, he's going to tell you pound sand, because there's nobody coming anyway. What authority do you have to tell me to put a certain hammer head turn around so the fire trucks can get in?

That should be when they are issued the building permit.

Commissioner McCown – he's not in the fire district, we're requiring him to do something yet he's not getting the service for it.

What he's saying is that these people are building all these things out there and then they add these things in the district and then we're obligated to protect these homes and there's absolutely no water, no infrastructure, no sprinkling system

That's where we at, at the CMC turnoff – you never put any in place so you have no opportunity ever to really protect them, even if they are out of district, they ought to step up to the public, everybody else does, someday that might be in a district.

And you may be contracting to send somebody out there.

The County should look at those things to see how they should be build

Chairman Martin – that suggestion that we take that into a debate and then decide whether to go ahead and enact that, or incorporate that into the building code. That needs to be in a public discussion that we need to have with the County Commissioners. Maybe that is step two and that's what I was throwing out there, the enforcement code, have a public discussion on that debate, and see where the public is. The public doesn't show up, obviously they are not interested. If they show up and argue against it, we know exactly where they're going. If they argue for it, even though they are outside the district, we need to do some problem solving to move forward. At any rate, this is a public forum.

Tom – the other idea here too is that under the standards of the MOU that if these guys are committing themselves to respond, then there should be standards there for them to look at for them to respond, IF we can get a truck up there. If the conditions are met and we can safely get our vehicle in and out, if not, then we can't respond because it's not suitable for us to get our equipment.

Chairman Martin – this should be included in the public discussion to see if we wish to go ahead and move that forward. This should be done in a public session so everyone can see and hear what is going on. That would be part of the process for or against adopting them. Two steps like that and we agree to bring it up and discuss it, should be a positive that we can

Commissioner McCown – I don't the easiest and best way to contract the bulk of the people in a timely fashion on Missouri Heights for instance to see if they are willing or interested, or want fire protection.

Call John Stone

Commissioner McCown – we could easily do it a different time of year and send it with the tax notices.

Don – you can identify them to the tax records.

Commissioner McCown – but we would miss a whole season.

Chairman Martin – do a notification to the media and hold a workshop to see if we have anyone, and to saturate one particular area – at least try and see what happens – hold it up at the college or something like that so it's easier to get to after hours

Or go door to door

Mildred, can't you identify those?

Mildred – I can identify the ones that are not in a fire district because if I have your current maps of your district, sure, because we have them when we put them down as to when I give you a list when you have your elections.

So you can identify those property owners who are not in either the Glenwood or the Carbondale district.

Mildred – well if my election system is working properly from the Secretary of State, yes.

Identify them, get your mailing labels, send them a flier, and say here's the deal

Chairman Martin – and hold a workshop to see if there's any interest.

You want to get to the property owners, a lot of people are renters, you want to get to the owners – they are the ones who are going to vote.

Tom – at the same time we could notify this building expectation. I think they have a right to know this in advance too.

Commissioner McCown – I think that would definitely affect their interest.

Can you draw a line and say all the areas within this will be annexed into a particular district or not without cutting in and out and one guy excluded, can you enforce that Don. Can we say you owe me \$54 bucks?

Don - yeah with a vote – you can form a special district without the petition initially but then the vote, that's the one you have to go to District Court, get approval of your service plan, then it goes to a vote. These are existing districts, can this guy up here – he says I don't want into that fire district.

Don – not for annexation you can't

Can we just draw a line and say you're in or your out – the majority says this guy has to be in?

Don – if you form a new district you can do that, I don't think you can do that by annexation.

That's what I'm saying; we could talk about some want in, some want out,

You would form a district and then merge part of it with us, as an example.

Commissioner McCown – that would be the cleanest thing of an area that is currently now in a district.

Chairman Martin – you go the special district not expanding your boundaries but it still takes a vote of everybody.

Commissioner McCown – and I don't know if the merger would take a vote or not.

Chairman Martin – I think the majority of the Board has to do that tax questions.

Don – there are consolidation statutes, I don't know what they provide right now, Larry but there are ways to consolidate.

Commissioner McCown - why don't we try to get a mailing out and have something by the first of September – have a meeting the last of August and I know we're in the midst of the fire season but it's too late now to get anything in place this year and it will probably be next Spring before we could get anything on the ballot, right?

Mildred – as far as on the ballot, that or else November – there's not much time between now and November.

Commissioner McCown – the formation of a district.

Of the County district?

Commissioner McCown – that particular district up in the area that's wanting service that's not in a district – we have to form that district and then consolidate it either to you or to Ron at whatever time – that's what Don said, we can't, or you're going to have your saw tooth, no I don't want to annex person.

Mildred – it would have to be next year.

Commissioner McCown – it would be the formation of a new district.

It would take quite a while to get that going.

Mildred – by the time you go through court.

Or by the time you decide somebody will annex in though, you've got to change your service plan, have it resurveyed, there's a whole lot of things you just can't, Joe, join our district. There's a whole bunch of things that you need to do.

Commissioner McCown – the first thing is we need to see if those people are in fact interested. If they tell us to go pound sand, we're out of it.

Why do just that one, why not do the rest?

Chairman Martin – it's a sample to start out with.

We've got to see if it's doable.

Chairman Martin – we can't do the whole county all at once – that's too many people, too much notification, too many areas outside, let's go ahead and we suggested, take the density part of the various areas, start working on, refining it and continue to move west. We may have to come back and pick up some folks; it's got to be an ongoing process.

Ron Leach – when we annexed Marble there was a petition

Don – there is a process for that

Ron – there was so many people, some percentage,

Don – this says 20% or something like that.

Ron – and they, and I think that's called an initiative and so with 20% of the people sign a petition to get something on the ballot by initiative, then it's on the ballot and then if 51% of the people vote for it, then it's a done deal. There are only 39 people, they're in it like it or not. That's how I see it.

Don – Ron is right, there is a process in for larger areas, not property owner by property owner, but if it's a larger area to be included by majority vote.

Commissioners McCown – the boundaries of this area are going to be have clearly defined so that everyone is going to receive notice.

That's not what I was asking. Instead of having a saw tooth and one guy in, redefine these boundary lines and these districts, then take this area, and say create this initiative or whatever the legal term is, and if 51% of those say fine, that makes sense to be in this district, this area needs to be in this district over here, and clean up some of the boundary lines – that may be that some of the areas should be in a different district as well.

Chairman Martin – what if 59% of the people say we don't want a district after you've done that; you're no longer a district.

Then we go home, we're done.

Commissioner McCown – they would only be voting on the expansion of the district.

We could look at some of the boundaries and say Glenwood you're going to get this from us and we're going to get this from you and try and maybe fix some of this stuff at the same time.

Chairman Martin - adjusting those boundaries is somewhere down the line, I think we're looking for some positive steps to move forward on, I think there's at least three, move forward on and come back in our next meeting and continue that.

Commissioner McCown – how big an area do you want us to send fliers to?

I see that area extending all the way to Cottonwood Pass and that takes you into Eagle County.

Commissioner McCown – how about north and south

Glenwood Canyon to Eagle County line.

Commissioner McCown – I'll give this to Mildred since

Chairman Martin – let's do that that will be our first step and then get back to you in August.

Ron – this has to do with the fire codes and what's happening in our county as far as enforcement and the different fire codes. We've got common EMS, we've got a different things happening in Battlement Mesa as there has been in Carbondale, the developers don't know what to expect, they get a different response if they develop in Carbondale as to when they develop in Silt – what the fire chiefs have talked about it that we need – all of us the fire districts and the county get on the same page on this fire code issue and how we're going to enforce it. And all departments are part of this, we just need to agree, are we going to require cisterns in this situation and why not require the same thing in Carbondale, why don't we require fire systems to be the same because we are getting inconsistent messages to the County.

Commissioner McCown – I think Battlement Mesa is a bad example because they have a fire system in place – I think they have adequate water, hydrants, so that's a done deal, it's in unincorporated Garfield County granted, but that's not a problem area.

why don't you say Parachute then?

Commissioner McCown – then you're talking city stuff.

But we all should adopt the same fire code, some have 1994, we have 1997, it doesn't work. Commissioner McCown – how do we as a County, on land use issues, we have fire districts that will not respond to requests for review – no comment. Is it bad or good because they didn't comment? Do we not pass it because they didn't comment? Or are they just so lackadaisical that they don't review them and don't take the time to send a letter back to us saying yeah this is okay or you need to impose a certain amount of water with this, or dry hydrants, or need a water system.

This is just not all your fault – the fire districts have responsibility to provide direction too.

Commissioner McCown – how do we make them respond?

Ron – these fire chiefs and these fire districts are getting constantly closer together, we're all on the same page, willing to work with each other, we meet regularly and we can as four fire districts in this county now, move this process forward.

Commissioner McCown – historically we have had a problem with one that just does not submit a response.

Maybe they don't understand or maybe they thought it wasn't getting anywhere.

Commissioner McCown - no, then they will submit a response for an 8-unit subdivision and then they will send a completely different response for a 15-unit subdivision, the 15 units are far less restrictive than the eight units are. There's less water storage available

I think that's where we have this discussion in the last year where we just need to adopt a fire code as written – not okay, we're going to tailor make our fire codes as this, and I bet a guy just called you last week, well how come Dave Berg's making me put fire cisterns in, when did you start that, you told me 1 ½ years ago, here's what you're going to have to do, and if you want a copy of what's required, go visit with Mike and he can let you see a copy of the NFP publication, well why can't you give me a copy, well because of copy right. He's all upset, and I said throughout the County we are moving to a common system and this is the intent and you as a realtor should know that and they have a right to know what we all are saying. If I develop here I can get by with this because, what you're saying, Burning Mountain's never had any paid staff to do any reviews, they don't have anybody to send in the stuff, but now I know correct. It doesn't matter, now the County's adopted the whole thing, it doesn't matter where I build, I've got the same requirements are going to be required on Baxter Pass as it is down here in on the outside of Glenwood Springs. We have a uniform fire code throughout the county and the expectation will be uniformly applied. Ron Leach - the other issue is that we need to get on the same page in this county for fire districts and the county is how are we going to deal with impact fees so we're all on the same page and so my questions is, not to beat this horse tonight, but what's the forum to keep me informed and to keep dealing with these issues. Is it a public safety council maybe? Does it mean meeting with you guys the second Thursday – but we need to agree that we're going to keep meeting and deal with these issues because they need to be dealt with.

Commissioner McCown – the imposition of impact fees has to be done on a district-by-district basis. We can't impose those.

We're not looking at you to impose it, I looking to get some consistency

Commissioner McCown – we have to impose it at the time a land use approved, if your district requires it – we aren't the one that imposes it. But if you're the only one that requires it,

Chairman Martin – that goes back to the mutual agreement amongst the fire districts and how they are going to approach it, and then have that review after it comes back to us.

I'm trying to get mine out of his office, or somebody's office.

Don – there is an issue on impact fees because we do only impose it for the benefit of one district.

Glenwood, city attorney and my office have been haggling over how we were going to impose it for Glenwood because they're a new State statute on it and I think it would help to have a discussion on this for all districts because what we put together for Carbondale was done several years ago before the statutory provisions were passed and what we end up doing now with the statute, if anything's going to be substantially different than that. So I think we need to look at that for all the districts and now just one at a time. What we've run into with Glenwood for instance, we asked them to do a study and develop the rational nexus, which they've done, but it not the same type of study we got from Carbondale and if we ask you to do one, it's not going to be quite the same and I think that's why it's important to treat all the districts uniformly and give them one set of standards.

Chairman Martin – during this legislative session those impact fees, rules and regulations have changed somewhat even for we imposed in Carbondale.

Don – absolutely and that's all we have. I've told the folks in Glenwood this, I haven't gotten with Carbondale – I think Carbondale's are suspect right now but we're going to go ahead and do it because they are in place.

The point that I'm trying to bring up is we really need you guys support and help on this no matter how we've got to get together, re-do it or whatever, but these volunteer fire departments need these impact fees and however, we've got to figure out how to do it so that we do the same for each fire districts. We are

getting overrun with this development, you guys and the developments going like this and we're going like this.

Don – Ron, have the fees we've collected for Carbondale been effective so far.

Ron – absolutely. And the program has worked very well and the guy that knows about this is Emerson and the key to this is that agreement – get the developer to agree to pay it, it's a contract, it takes you off the hook, us off the hook and all you guys have to do is say, before we give you the final stamp, stop by the fire house to settle up. They do it. They've done it every single time – it's not worth it to them to make a federal case out of this.

Don – that's the same rationale that Douglas used until the Building Association decided it was worth it to sue.

Ron – Douglas County should sue the school board not the fire district. I do all the impact statements.

Don – right and it's the same issue for Counties whether, in fact in school districts there was even more specific authority than there is for fire districts.

Ron – there is a set of minutes from the Garfield County Commissioners in however many years ago, and these subdivision regulations.

Don – the reason yours are suspect, and this is part of the blockade we have with Glenwood right now, I could not find but one county in this state that imposed them for the benefit of a fire district and they did it based on what we did with Carbondale. And I asked the Glenwood city attorney to find some other fire districts – Grand County is the one I'm talking about, they did it and they used the base we did for Carbondale.

Mike Pifer - the funny thing is with that rationale nexus, and I remember way back, it actually goes back to when I built a house and had a big school impact fees and I didn't have any kids, and I started thinking, we don't have any money, why can't we charge an impact fee. We started discussion and what happened was that somebody said there's no law that says we can't. That's how the whole thing, I we were the first district in the state to collect impact fees and I agree with Ron, what happens when somebody signs an agreement, they sign a contract with us that they willingly paid these fees to us.

Don – obviously if people pay them and they don't sue you to get them back, then you've got the money. But that is not the situation that the front range counties ran into with school districts and Boulder ran into on other impact fees – that's why that statute was passed was to give counties the authority to impose impact fees. Unfortunately, the way they drafted it, was to collect impact for the benefits of the service that the entity was providing and we don't provide fire service.

Mike Pifer - So, who's going to get sued if the district imposes an impact fees. They're not going to sue the county; I just need the Commissioners to pass it by Resolution so I can have the building department to send them over to my house.

Don – This is what I told your city attorney. If the fire district would impose the impact fees, we can collect them, but we do not have the authority to impose the impact fees.

Mike Pifer – we don't want you to collect them; we just want the building department to hold the building permit until they come over and pay the impact fee.

Don – and that's the collection mechanism.

Mike Pifer – which you can do by Resolution, that's what they're doing.

Ron – well, it's not really, what we're doing, we don't do it at building permit, at subdivision.

Mike Pifer - not individual houses?

Don – No

Mike Pifer – and we're not taking this money to go out there and buy more fire trucks, I want it to improve the water system by paying for water cistern tanks all through Four Mile cause I think that's a good way to return the money to an area that needs fire protection in the form of water. I'm going to go and try to improve the water service with that, but everyday that goes by, I've got two impact fees in the City, but now the district I'm not getting anything because it's a stall digger.

It becomes difficult to do that at the building permit level, that's why I said we'll just write off the lots that are already subdivided, they are the infill, and we'll just get it at new subdivision. The difference being is you have the developer who's trying to put in his subdivision – he's going to write you a check.

Commissioner McCown – but it is still a condition of approval – he doesn't just come in and go here, let me give you this check. It's a condition of approval or he doesn't get his subdivision, so we are the one imposing it.

Doesn't that money just go into the general fund?

Mike Pifer - they do take the ambulance funding but they don't get the impact fees. We've already settled two accounts, one is in the district and one for the City and the money comes in, they come into the fire station, we give them a voucher if you're in the district, give them a voucher if they are in the city and we hand it back, but so far I don't have the district capabilities cause they come in and get a building permit in my fire district for a house that's new that's going to impact my district - I don't get the \$958 cause I don't have any means to collect that. I just need the Resolution from you guys to say like them - send them over to the fire station, we'll give you a voucher and they come back to Mark and say I paid the impact fee to the fire district and here's the receipt. Now he issues the building permit and he's good to go - I didn't tie him up and drag him over there, he came over and paid it to me.

Don - I bet if we give him the permit, he won't come over and pay the fee.

Mike Pifer - absolutely, that's why I need you guys

Commissioner McCown, but we're collecting.

Mike Pifer - I don't know that you're collecting it but you're making sure it is getting paid by the Resolution, right?

Don - the effect is the same as what we do with Carbondale and the subdivision - the subdivision doesn't get approved and recorded until they actually pay the fees.

Mike Pifer - is the landowner in a large scale, or landowner in a small scale - it's still a landowner.

Don - all I can say is, maybe Ron, we knew we did this for Carbondale, it's many years ago it seems like and to date as far as I know and there are two counties in the state that do it so it gives you an idea of what legal authority the rest of the state thinks we have to do this.

I was just today Don that Eagle was just approving it - the Eagle fire districts has been doing it in the town and Gypsum's been doing it and the fire chief told me today that the County had just now approved it.

Don - okay, then I can talk to their county attorney and find out where they are.

The new county attorney as you know was in Vail before this.

Don - Tom Morehead

Ron - Don - two questions for you. Can you request an opinion from AG on it and number two could a fire district put it on the ballot and have people approve it.

Don - either the county has the authority or it doesn't and counties have to get their authority from the State Legislature, so the voter approval part wouldn't go. The AG opinion, maybe, if they will give us an opinion. We can ask, and see what they'll do.

Commissioner McCown - do you want to gamble - what if they say no.

Don - I'm actually more interested in what Eagle's doing, if Morehead thought they had the authority up there, I'd like to see why.

I think he had just had a get together with Bob Cole from Collins and Carpuler; Cole who's representing Eagle now.

Don - well that's good information because I didn't have that before.

Chairman Martin - and based upon that we could move that forward in the next legislative session in the form of a Bill so that the rest of the state will support it if it has state approval.

Don - and it should have happened when they passed this last Bill, they should have given counties a broader range of authority to impose impact fees and they did.

Commissioner McCown - the legislature is very cautious about given the counties anymore power.

Mike Pifer - they have obviously given it to cities that have Home Rule cause the City can do it.

Don - there's no question cities have the authority. Counties are different ducks than cities.

Chairman Martin - that's one of the frustrations you run into with municipalities and counties - you can do a lot more things in the city. County - they are still being held back because of that fear of the legislature.

And they are very choosy about given it car blanc.

Commissioner McCown - they'll never do that.

Ron - and I don't blame them, you'd have library, park district, etc imposing a different impact fee on the developer.

Commissioner McCown - and no matter what you call it, or how much the fee is, there's a direct coalition between the \$25,000 dollar disparity between the homes in Carbondale and Glenwood and New Castle and Rifle, so it all feeds back to the cost of housing. The developer is going to pass that cost onto the homeowners.

Chairman Martin - and rightfully so because the homeowner is the one that is getting the benefit of the systems that are in place.

Yes, they are moving into the impact and the district has the poor service, more people in the house, heart attacks, more barbeque grills starting roofs on fire, etc.

Commissioner McCown – then why do we have areas that aren't in fire districts? We can start this all over again. We'll get the survey out and we'll let everybody know when our next meeting is supposed to be, probably the last of August, first of September.

JUNE 3, 2002

**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 3, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Barton Porter - Comment on the *Cattle Guards* – Road & Bridge did clean the cattle guards but one is still low and very difficult to cross over; it needs to be realigned. There is an increase in traffic at this point and they will move one-half million tons of soil up Alkali Creek. *Weeds* – Barton stated the weeds on this road are very bad and requested a concentrated effort for spraying, not just a random attempt. *Gravel Pit* – They are making a lot of gravel at his place. The Commissioners reminded Barton that he will need to apply for his mining permit if he intends to sell gravel. *Topsoil* – the Commissioners informed Barton that there is no restriction but here again he would need to have a mining permit to sell the soil. *Vacating Road* – Barton inquired was needed to be done in order to close the road from Barton's house further on up. There is a meeting this afternoon and he may sell out. There are people pass his house, most are relatives of his; he is in control and the current residents do not have a problem, but Barton does not want anyone else to go through his property. Commissioner McCown informed him that this would require a public hearing after the request is made. He also cautioned Barton not to make promises to the potential buyer that the road could be closed.

COUNTY MANAGER UPDATE – JESSE SMITH

▪ ***Employee of the Month – Carol Hawkins (Assessor)***

Shannon Hurst, Lisa Gunderfelder and other staff from the Assessor's Office were present for the award. Carol holds the position of the Mapped in the Assessor's Office.

She was hired on 8/19/99 as an administrative clerk and advanced to the Mapper on 8/1/2000. She demonstrates a positive work ethic, is a key employee with great problem solving skills as well as demonstrating a high regard to detail. Carol requires very little supervision and possesses excellent computer skills that are most beneficial in her position. One of her co-workers said, "she's awesome."

▪ ***Terrorism/Hazardous Materials Grant Discussion – Guy Meyer***

Guy stated that on May 16, 2002 he had received a COEM Grant Award Letter for \$32,085.00 from the State Domestic Preparedness Equipment Program Fund. The amount he had requested was for \$49,294.00. These funds will be used in training all first responders to the appropriate levels giving them both knowledge and equipment that will enable them to identify an agent and the ability to gross decontaminate themselves and large numbers of individuals in the most timely manner.

Guy said he will be meeting with different agencies regarding the funds and there will be some training involved. The equipment will most likely be stored at various locations – some at the hospital where it is most appropriate. Pitkin

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the expenditure of the \$32,085.00 after meeting with the various emergency response agencies to find out the greatest and best use of it.

Chairman Martin – Road and Bridge and Public Health need to be taken care of as well – they responded to the Sheriff's Office. He wanted to make sure these funds are utilized properly. Motion carried.

▪ ***County Road 338/302 Discussion – Mark Bean***

Steve Hackett and Mark Bean presented the discussion topics.

Steve submitted a packet of information explaining the difficulties on CR 338.

County Road 338 was at one time a continuous road that commenced heading south from CR 301 for a distance of approximately five miles, immediately east of Battlement Mesa. For reasons that are unclear, CR 338 was eventually terminated at the approximate one-half (½) mile mark and commenced again at approximately the three point four mile (3.4) mark where it formerly intersected with CR 302. At some point, a landowner cut CR 338 road in half and it is no longer a through road. Currently there are two CR 338's. It is recommended that the portion of CR 338 that extends southeastward as an extension of CR 302 be renamed CR 302 and addressed properly. Steve proposed to leave the seven addresses on CR 338 and the CR 338 extending from 301, be changed to CR 302.

Don informed the Board that they could re-designate the road by a motion.

The spur of CR 338 could be changed to private road or a driveway where it intersects with the main road. Steve said he would have to work with Road and Bridge.

Commissioner McCown stated that Steve would also have to check with the HUTF report in order to see if it is shown as a County Road. The Rifle and Garfield County published map is one that Commissioner McCown worked with Rob Hykys before publishing and he ascertained that it is a good map and reliable information.

Mildred reminded Steve that she would need the address changes he makes in order to update her election and motor vehicle records.

County Road 233 – At one time CR 233 was a continuous road that commenced at CR 293 immediately east of Rifle and terminated at CR 214, North of Silt. For reasons that are unclear, CR 233 was eventually terminated at the approximate one point one mile (1.1) mark and commences again at the one point four (1.4) mile mark where it continues to terminate at its intersection with CR 214. There are approximately seven (7) addresses on the beginning portion of CR 233 and over fifty (50) addresses on the second portion. It is recommended that the smaller beginning portion of CR 233 be renamed CR 233A. Commissioner McCown explained how this road is actually laid out. CR 233 is a dirt extension and it is a private road. Steve explained the situation and added that everyone gets his or her mail at one location. They are currently being given addresses to the 8 -10 individual on CR 233. By making the shorter portion of the road CR 233A and leave that gravel stub road as CR 233 – this will clarify it for dispatch. Commissioner McCown said he has a problem calling a private road a county road and suggested it should be called Cactus Road or Cactus Drive to identify with the subdivision.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to create the westerly portion of 233 Road that intersects with 293 Road and ends at a location at the beginning of the northerly portion of that road as 233A or renamed as 233A and that the continuation of CR 302 would go all the way to the end of what is now 338 Road on the southerly portion of that map that Steve submitted. Motion carried.

Steve Hackett was directed to contact those residents that live on these roads.

River Ridge Drive and CR 109

Commissioner Stowe – As long as they are not roads, signs, signage, and private roads and all that, out there where the Rose Ranch Development is, after you cross Hardwick Bridge and are going into Westbank, there is a road called River Ridge Drive and it was signed. When Rose Ranch came in, they took the signs down. He had a visit from the Carbondale Fire Chief about two weeks saying he needed to get the signs back up. Walt said he talked to the developer on Rose Ranch and was told that hey, that was going to happen, but it continues to not happen. There was a sign there that said CR 109 and River Ridge Drive. Steve responded by saying River Ridge Drive is a private road; it makes the property owners on the road responsible for the sign. Commissioner Stowe said the property owners already did that, but not the Rose Ranch people have removed it – who is responsible? Steve said this is a civil matter between property owners and Rose Ranch.

Discussion of County Vehicles and Department of Social Services Use

Jesse Smith presented the review of the use of County Vehicles saying there are some problems with Social Services clients especially with their neighbors. When the social worker goes out to pick up a child or adult, the neighbors see the County logo on the vehicle and this creates a problem. Therefore, Social Services would like to purchase two blank magnetic signs and cover the County logo in order not to create a problem. Jesse stated this was a weekly event.

Commissioner Stowe stated his concerns over the possible misuse of these magnetic signs and would like to hear from Margaret Long. Commissioner McCown said he did not want to realistically cause a scar on the children, but he did not think it would be that difficult to have the neighbors figure the white car picking up an individual and connecting it to Social Services. The Commissioners had concerns of the misuse of the blank magnetic signs referencing past incidences where County cars have been seen places they were not supposed to be – recreational sites.

This issue was tabled until next week, June 10th and asked Jesse to contact Margaret and have her present justification that would warrant them making such an approval or denial.

Jesse mentioned that the Commissioners they might be going into the Board of Social Services twice this month due to a contract issue with the State.

Request to Retain Rental Water Trucks for Month of June – Tom Russell

Tom submitted a request to retain the rental water trucks for another month.

Jesse presented the request and Mildred gave the Board the Minutes from April 1, 2002 explaining the original request made by Tom was for two months – April and May with an option of extending the rental water trucks for one additional month.

This would be another \$7000.

Commissioner McCown commented he did not have a problem where there were rental water trucks but no water available.

A motion by Commissioner Stowe and seconded by Commissioner McCown to approve Road and Bridge to retain the rental water trucks for the month of June and the cost not to exceed \$7000. McCown - Nay, Stowe and Martin – Aye.

- ***Fairgrounds – Fair***

Dale submitted a contract for the use of the Fairgrounds and asked a motion to authorize the Chair to sign the contract with Berentis Rodeo Company.

Commissioner McCown made a motion to authorize the Chair to sign the contract with Brenentis Rodeo Company; Commissioner Stowe seconded and requested the motion be amended to include “upon certification of insurance.” Commissioner McCown amended his motion; Commissioner Stowe amended his second; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Renew Fire Ban

Guy Meyer provided the Board with the fuel moisture levels and requested a continuation of the existing fire ban. Don submitted a draft resolution proposing to renew the Resolution No. 2002-41 for an additional 30 days. This would be reviewed at the July 1, 2002 meeting. Don reminded the Board that this does not include fireworks. The Board can ban the use of fireworks; but not the purchase of fireworks.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the Fire Ban until July 1, and review the ban on the use of fireworks on June 17, 2002. Motion carried.

“T”Hangar Development Proposal – Dale Hancock, Dave Gordon and Brian Condie

Gordon Consulting Group, Inc. submitted the proposed site/hangar layout and maps displaying the three phases of their proposal. Today, they just wanted to present the proposal, have a discussion with the Commissioners regarding some concerns on the terms of the lease based on discussions with future potential hanger lessees and reach a consensus of the Board.

Carolyn Dahlgren has been out-of-town due to the death of her father in Florida. Don proceeded to explain the proposal. David Gordon stated he has a current lease on the property. The real issue, as it pertains to the T-Hanger centers around the terms of the lease. He has talked to aircraft owners as he was doing his marketing and a unanimously comment of those interested in T-Hangers was on the County Lease as it is currently in place. Carolyn has spent a lot of time researching the terms of the lease and found out the Board can go longer than they are currently doing if they so determine, s long as the lessee stays current with insurance, etc. Gordon explained the proposal phases one and two, realizing that the current minimum standards and leases are a concern for the Board, he stated in his submitted letter to the Board, four possible changes to the current lease in order to handle this project differently. Those were:

1. 20-year extension to what is currently in place making it 60 years.
2. Leaseholder must meet certain levels on terms and the Airport Manager would develop a checklist and notify the lessee of any violations.
3. Any other terms must be in conformation and not in default.
4. If at the end of the 40-year lease and a 20-year option reviewed, the County has the option of not renewing the contract because they feel there is a greater and better use for the land.

Dave said he still may have some opposition on the Condition No. 4.

Commissioner McCown said his biggest problem with a longer lease is that he has been told that masonry buildings only last 20 years and these are metal building. Additionally, the lease would far exceed the person that has an aircraft – his age will dictate that he could no longer fly in 60 years from now. Therefore, they purchase these T-Hangers as an investment and expect to sub-lease it out over the next 60 years. The present 20-year lease and a 5-year option is something the Board is comfortable with and commented that a 60-year lease was off the scale. Chairman Martin – reiterated his concern saying the Board has recently experienced problems with a 99-year lease. Commissioner McCown said the shortness of the lease is more expensive but it is doable and suggested Gordon and Brian review the lease material. Brian commented that in reviewing the lease material this morning, coming from a different atmosphere, four year lease rates unheard of, and wanted to make sure he had it right with the new area, therefore he called Meeker, Telluride, Cortez, Durango, Pagoda, Create, Alamosa, Buena Vista, Gunnison, Aspen, Eagle, Saluda,

Canon City, Hayden and Granby and their leases are all 20 plus 5 year options for T-Hangers. Corporate Hangers go up to 40 years because of the expense of going on it them. Therefore, a 40-year lease already on T-Hanger is being more than generous to attract business into our Airport. He wasn't sure what type of a return the Gordon Group was looking for whether they consider it high, medium or low risk but even at a 7% return over 40 years would net \$437,000. Including our annual lease payments – that is more than reasonable. Anyone is going to pay \$500-\$600 to have a hanger for their aircraft. Our lease rate structure is \$.17 sq. ft. is artificially low because all it addresses actually is the leased space. Every hanger we put it, we have more ramp to take care of – plow, paint, and lease rates are up to \$.34 to \$.50 sq. ft. at these other airports. Taking into consideration these other aspects of not just the ground you are leasing but the additional cost of the County having to maintain the support infrastructure to keep your buildings going. So, Garfield County is being very generous all around for the general aviation community in the County. I think 40 years is adequate to recover substantial costs.

Commissioner Stowe inquired if Brian would recommend reducing it. Brian agreed that was true in the future. Brian and Carolyn are currently working on lease terms and rates. The rates will be kept the same to have everyone on the same playing field but this may take six months and commented that after he returns from the upcoming conference and workshop in New Orleans, he will have a clear vision about how to proceed.

Commissioner McCown confirmed that it would be Mr. Gordon's responsibility to build the ramp area, pave it, etc. in conjunction with the construction of these hangers even though we are not collecting that property that is not under the building, that improvement would be there that would not be at our expense as well. The maintenance would be but not the construction. Brian if we look at the past, what we have done like the Flight Department, we have split the cost with them because it was a benefit to the County to have it there. It was Airport improvement private funds, County funds, and it was for the benefit of the Airport. So that would need to be looked at and decide what kind of a benefit it would be for us. Yes, we do need more ramp space so that's coming; it is in the second year, CIP Phase where these Hangers are proposed to be going. Commissioner Stowe asked if these hangers are in the remote area that we were discussing last week. Brian showed the Commissioner the Airport diagram and pointed out the location of the proposed T-Hangers. Gordon has also asked for an option on the land to the right side to the east of DBS and DBS is the very last building on the right side of the diagram. The good with the full area in here is the first phase of our runway reconstruction; this will all get dropped four to five feet so we can wait three years to develop that area. The government will fund 90% of it and then the developers or we can fund 10% because this whole area now because it will be prime real estate for hangers that the government has come in and leveled. The option on that is possible but recommended waiting until after the first phase of the capital improvement projects to develop it. Mr. Gordon is interested in that area and if we can an agreement under our new terms, then I think we should. He has the foresight enough to be out asking, looking and seeing what is happening in the future. There is also the 350' by 250' area immediately west of the fuel farm that is ready to go now to hold Shade or T-Hangers.

Commissioner McCown inquired if there was spacing required around the fuel farm and if so that would allow us any possible expansion of the fuel farm. Brian said yes, we are in the process presently of expanding the fuel farm and there would still be room for those type of hangers. Commissioner McCown added that would require additional ramp work as well. Brian said the sub-base is already there because we already have our roads, so it would not require as much work as either of the two proposed areas – it would require pavement. Commissioner McCown asked what Dave Gordon wanted for the Commissioners today. Dave said the one question was answered on the lease terms. Don DeFord clarified in order to provide Carolyn and Dave on the direction from the Board – we still going to discuss the 30 plus 2 of the 5-year extensions. Commissioner McCown said that would be acceptable. Commissioner Stowe said that was what they led Dave to believe in the last year. However, he would go in Brian's direction about future negotiations that we really need to drop that back. Gordon said for him to go forward with the answer on the lease terms, the other question would be is there a consensus from the Board that the area just east of the DBS Helicopters acceptable? Commissioner Stowe said that is what our long-range plan designates. Dave - The only question raised in the letter Dave sent to the Board was if the Commissioners would consider a cap on a consumer price index for each year. He said he remember back in the late 70's we had CPI of 10-12 percent and that is very unusual. In those conditions he supposed what could be done was to ask the lessees to come back and plead for consideration if it does get unusually high. Commissioner Stowe said the only way he would consider that is if that cap could be pushed forward the following year if we had a cap of 4.5% and we'd agree to do that as an average and say we wouldn't exceed that cap, so if you

went for 9 years at 3% and then all of the sudden we hit a 12%, the average still wouldn't exceed 4.5% for the following years. The County is going to be out the money if it goes to 12.5% and we limit our recovery of 4.5% that year, the following year we would have no way of re-cooping that, so if the following year if it drops back down to 2-3%, Commissioner Stowe said he would like to go back and recapture the money the County lost. Dave explained that he was trying to protect from an economic situation where you get a real high rate for a short one to two year period but that high rate ratchets up the rate for the entire rest of the term. When the CPI goes back down, but you have the ill effects of that high rates that goes to the rest of the term of the lease. Commissioner McCown said he was unsure how to do it effective, but he would not mind seeing a 3-year average, preceding 3-years that what would in turn affect the CPI as opposed to 1-year. And then that should take care of any spikes if it is on a consistent enough term, then if these are two fairly level years and a spike, he thought those level years will flatten out that spike where the lease isn't impacted; it would also cover any depths as well to protect the County's interest as well. Commissioner Stowe said theoretically if this CPI is up for several years, the income and everything else is up, and inflation is rampant. Dave Gordon will mull this over and see if that is something, he can live with and he can work with Carolyn and Brian on anything else that he might have. Commissioner Stowe reiterated that the County is interested in having T-Hangers but we have an need to protect the interest of the County. Commissioner McCown commented that these were very good looking and functional T-Hangers. Chairman Martin mentioned he had calls and support from the aviation folks and they want to see something out at the Airport.

Dave Gordon said his plans are to do another flyer on this project specific to T-Hangers after getting the answers today, now he can start telling people what the terms are going to be and start marketing. He will come back with a project.

EXECUTIVE SESSION

Legal Advice – Land Use Issues - Litigation Update

Those requested the Board, Don DeFord, Mildred Alsdorf, Jesse Smith, Mark Bean and Catalina Cruz to remain for these discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss land use issues and litigation update; motion carried.

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

COMMISSIONER REPORT

Commissioner Stowe – Reudi Water and Power meeting last week; Rural Resort Meeting, we added to more cities - Frazer and Grand Lake making the group to 20 members and none are reduced paid members this year; they are associate members without votes as of the first of the year they will be due paying members with votes. We are working on how the IGA will read. The second page of the report shows what is coming up as well as the Focus of the Rural Resort for the next year. Scott McInnis Meeting – last week and the Department of Natural Resources Dinner at the Redstone Castle; Walt announced that he was getting married on Saturday in Henderson, Nevada – he will be gone from Thursday through Sunday. CCI meeting is next week.

Commissioner McCown – No report. Clean slate this week.

Chairman Martin – Meetings were double and sometimes triple booked every day for the last two weeks; this week he plans to clean his office.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Special Use Permit for Jane Baker Veit
- c. Sign Rental Division Order for Williams Energy
- d. Sign the Resolution of Approval for the Mayfly Bend Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to remove item c until next week and replace it on the agenda with explanation; and to approve the Consent Agenda Items a, b, and d tabling item c;

Chairman Martin mentioned that Jesse has been working with Georgia Chamberlain in getting a clearer understanding on the oil and gas rental division orders.

Motion carried.

CONSIDERATION OF ADOPTION OF AN ORDINANCE ESTABLISHING BASIS FOR CONSENT TO USE GARFIELD COUNTY JAIL

Don DeFord mentioned that his office sent out the notice and knew they were in order; and advised the Commissioners they were entitled to proceed.

Don reviewed the Ordinance, the authority for consent to use the Garfield County Jail (Detention Center), the minimum requirements for the Intergovernmental Agreement, Violation of Penalties. Immediate preservation of Health and Safety Pursuant to the provisions of Section 30-15-401, et.seq. C.R.S., as amended and the effective date. The terms of this agreement had been previously discussed with the Board of County Commissioners at the March 11, 2002 meeting. At that time, Sheriff Dalessandri has proposed the fee structure.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to move forward with the Ordinance.

Discussion – The Town of Silt City Attorney, Mitch Randall, is the only one who has contacted Don and some of the concerns were in the wording agreement and not so much in the Ordinance initially. Don was preparing to make some of those changes since they were ministerial items such as what type of personal property and other technical issues, but late last week Mitch Randall informed Don that the Town of Silt would not be executing an Agreement pursuant to terms with their primary concern being they didn't have a place to put individuals who are arrested prior to trial until they can bond out. And that under our Agreement that initial decision is made solely by the County Commissioners and the Sheriff and the current IGA anticipates that we will not accept those individuals. Silt said through their attorney that at the time we decide we will accept those individuals, and then Silt will consider signing an agreement with us, until they will utilize the facility in Meeker. Chairman Martin that is the same opinion he got from the Town Council Meeting in Carbondale, and relayed by the City of Glenwood Springs through their Police Chief based on the same concern. Don said he explained to Mitch that this was intended to be a phasing in and before the Sheriff had related to the Board and to Don that before he agreed to take pre-trial people, he first wanted to see what kind of impact there would be on the various sentenced individuals because originally the Sheriff had when this facility was began is that initially we would be inundated with a backlog of those sentenced individuals and wanted to see if this was going to happen prior to agreeing to take pre-sentenced and pre-trial people. Jim Neu, City of Rifle Attorney said he and Mitch have the same concerns and without the agreement to house those pre-sentenced, it would not benefit the municipalities.

The Commissioners suggested that the outstanding warrants for those sentenced be forwarded to the Sheriff through them in order to see the numbers. Commissioner Stowe felt with the information the Board and Sheriff could make a determination on where to go with this. Commissioner Stowe said Silt's main concern when Chief Taylor was not to be charged anything for the pre-sentenced individuals. Jim Neu said he thought it was going to be \$15 per day for those pre-sentenced and no charge for the sentenced prisoners. Chairman Martin mentioned this was some of the confusion the Sheriff's letter created as well as the testimony taken in this room and that clarification hasn't been resolved yet both with the Sheriff's Office and this Board back to the Municipalities as to what is going to be charged. Commissioner McCown expressed what the Sheriff's concerns are is that he will become the "bonding entity" for all the cities/towns. They will bring their people in here, it will be the Sheriff's responsibility to do the processing and handle all the bonding, there is no fee, and they make bond and walk. The Sheriff has done all that paperwork on the bonds in and out for no fee. Don stated that the Ordinance is drafted, the Commissioners have the flexibility to address the issues in the Agreement; it does put it into the Commissioners hands to make the final decision and that is what Don intended and thinks the Board should have that final say – it's our facility. Commissioner McCown did not see any other entity other the Commissioners and the Sheriff making those decisions. Don said he thought the Board could reach an Agreement that will be acceptable to them under this Ordinance. This does not preclude the ordinance to be put into place.

Motion carried.

SUPPLEMENT BUDGET HEARING – JESSE SMITH

Jesse Smith submitted the Resolution and supplemental budget information.

Exhibit A – Showing the transition of moving funds from contingency to a salary line item; and Exhibit B - Showing the movement of funds other than salary. This brings us to May 2002.

Jesse commented that they moved funds from capital line items in buildings for the roofing for the Mountain View; if we can bring that under the \$100,000 approved by the Board, then it will be done, if not, the funds will remain where they are now.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Resolution concerned with the Fourth Amendment to the 2002 Budget and Fourth Amended Appropriation of Funds and Chair authorized to sign said Resolution.

Jesse responded to the question regarding the Sheriff's vacancies saying the Sheriff has 3 vacant positions in patrol and 2 vacant positions in detention to fill – the second floor is not open but they are training the new employees. Motion carried.

REQUEST FOR REVIEW OF A ZONE TEXT AMENDMENT TO ALLOW LANDFILLS AS A SPECIAL USE IN THE ARRD ZONE DISTRICT. APPLICANT: JEAN AND DEE BLUE

Don DeFord, Kim Schlagel, Mark Bean, Attorney Glenn Harsh, Jean Blue were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kim submitted the following Exhibits: Exhibit A – Proof of Publication, Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C – Staff Report and Project Information; Exhibit D – Application and Materials; Exhibit E – Letter dated May 29, 2002 from Otten, Johnson, Robinson, Neff & Ragonetti, PC. For the Ranch at Roaring Fork Homeowners Association and its 158 members opposing a text amendment; Exhibit F – Letter dated February 13, 2002 from Balcomb & Green, P.C. to Phil Vaughn, Planning Commissioner, regarding proposed text amendment to allow landfills as a special use in the ARRD Zone District; Exhibit G – Letter from Pitkin County, Patti Kay-Clapper Chairperson of the Commissioners dated February 11, 2002 requesting denial of the Zone District Text Amendment; Exhibit H – Letter from Great Companies, Inc., Stanley L. Seligman, VP dated February 9, 2002 opposing the proposed landfill; Exhibit I – Letter from E. Hunter Stone, II & Associates dated February 9, 2002 opposing the request; Exhibit J – E-mail from Heidi Wade dated February 10, 2002 objecting to the landfill; Exhibit K – E-mail from Tammy and Greg Perry dated February 12, 2002 opposing the request; Exhibit L – Fax from John and Nancy Thorpe dated February 11, 2002 opposing; Exhibit M – Fax from Michael Costanzo dated February 10, 2002 expressing concerns for ground water contamination; Exhibit N – Fax from Outlook Trail dated February 12, 2002 requesting rejection of the request; Exhibit O – Fax from Emeran Leonard dated February 12, 2002 objecting; Exhibit P – Letter from Robert W. and Mary B. Holt, dated February 11, 2002 protesting; Exhibit Q – Fax from Jack R. Pepper dated February 12, 2002 opposing; Exhibit R – Fax from Lane A. Reeves dated February 9, 2002 opposing; Exhibit S – Fax from Linda T. Spangler opposing; Exhibit T – Letter from Richard N. and Mary E. Stuckey dated February 9, 2002 opposing; Exhibit U – Letter from Ron Mattox, President – Diversified Builders, Inc. dated February 11, 2002 objecting; Exhibit V – Letter from Mark Chain, Planning Director for the Town of Carbondale dated February 7, 2002 outlining concerns and issues; Exhibit W – Fax from Mary Washburne dated February 11, 2002 opposing; Exhibit X – Letter from City of Glenwood Springs Council dated January 24, 2002 outlining concerns and issues and encouraging denial; Exhibit Y – Letter from Scott Balcomb of Balcomb & Green, PC dated April 9, 2002 representing members of the Wooden Deer Homeowners' Association opposing; Exhibit Z – Letter from Collis H. Turner dated February 11, 2002 objecting; and Exhibit AA – Letter from Bart Johnson of Otten, Johnson, Robinson, Neff & Ragonetti, PC. For the Ranch at Roaring Fork Homeowners Association and its 158 members requesting denial of the proposed text amendment. Exhibit BB – Letter from Charlie Willman dated June 3, 2002; Exhibit CC – Letter from Jean Martenson dated June 1, 2002; Exhibit DD – Letter from Davis Farrar dated May 31, 2002 in support; Exhibit EE – Letter from Maurice Dahl dated May 31, 2002 and Exhibit FF – Letter from Bob Schultz dated May 31, 2002.

Chairman Martin entered Exhibits A - FF into the record.

Kim - The applicant is proposing to change Section 3.02.03 of the Garfield County Zoning Regulations to include landfill operations as a special use in the ARRD Zone District. Kim reviewed the current uses provided in Section 3.02.03, the relationship to the Comprehensive Plan noting that the current plan does not address landfills, the major issues and concerns, additional points noting construction and demolition (C&D) landfills do not pose a decreased threat to the environment in comparison to solid waste landfills, suggested findings and alluded to the standards for landfills in the permitting process noting that the County application fee is \$400. She suggested that fee be increased and also recommended that a study would be important to assess the staff in determining the appropriate charges that would include staff's time. She checked with the following counties and they charge landfill application fees as follows: Lincoln - \$75,000; El Paso County \$10,000; and Weld County – \$17,114 – a huge difference in fee structure. The Recommendation of Denial from the Planning Commission based on the following issues:

1. The applicant has not demonstrated compliance with Section 5.03.09, which identifies specific criteria to which new zone district text additions should be analyzed.

2. A waste management study needs to be undertaken to address County need for landfills. A possible study will include population projections, population migration analysis, an analysis of the waste stream, the economics of the region, and current life of existing landfills. Answering these questions will allow the County to make an informed and long-term decision concerning this issue.
3. The Comprehensive Plan must be updated to address long-term land use issues specifically related to landfills. Prime locations for landfills should be identified based on geological features, water table facts, and appropriateness based on adjacent land uses.
4. The current regulations addressing landfill uses with the Zoning Resolution have room for improvement to better address and clarify potential impacts resulting from the use.

Kim further requested that the Board declare a moratorium until the issues in this staff report are addressed. Commissioner McCown clarified that Kim was not referring to any expansion of existing landfills. Kim clarified only for any new sites.

Applicant: Glenn Hurst stated he just received the new letters submitted as exhibits and should have at least 3-days to review information. It is difficult to come into a meeting and have to start reading material just before the hearing.

Jean Blue, the landowner is making the request for the amendment that would allow landfills in the A/R/RD zone text as a special use creating flexibility. This amendment will allow for prime sites located in the A/R/RD for this type of landfill where bricks, rocks, motor, and others wood waste could be compacted. He projected within the near future there will be a lot of demolition and a need for landfills accepting such building materials. This application makes common sense – mining is permitted – the zoning resolution permits landowners to dig large holes for mining however, there is no provision to fill these holes back up. Landfills should be integral to the mining application resulting in greater land use overall. He referenced the meeting where the P & Z voted 3-2 for denial. He said this was based on erroneous information provided by staff to the P & Z and asked the Board to disregard the P & Z recommendation. Several individuals presented information as to what constitutes a state review of the landfill process and what is involved

Mark McMullen – American Environmental Engineering, stated there is a misconception on the state permitting process and presented the “Solid Waste Permitting Process” power point presentation. Once zoning is in place, then the land use application. He citing design operation and monitoring, closure or reclamation. Application, once it is deemed complete, is submitted to the local jurisdiction and then the applicant asks the State and they complete a technical review to make sure all information on the application is in compliance with their regulations. Colorado Environmental Department of Public Health (CDEPH) – requests the State begin their technical review in 30 days and the document must be complete by 150 days; several reviews take place and then there is a response period for comment that is submitted throughout the State Health, Wildlife, Geological, etc. and they respond with issues and non-binding recommendation for approval or denial. The applicant must follow the recommendation. If they recommended for approval, the local jurisdiction can still deny the application; if the State denies, the local entity cannot approve it. If it meets the State’s requirement, it is then up to the local jurisdiction to complete their review. Mark referenced that in some jurisdictions, one being Denver, accept the State Health’s recommendations. The local entity can sent the application to referral agencies in their local area. It usually takes the route of being submitted to the P & Z, then the Commissioners for the final decision.

Jerry spoke on the mining portion of the application. *Certificate of Operation* – The local entity can apply additional conditions as well. All construction must comply with the conditions by the State; a plan is submitted to the State Health Department who must approve it as well. The CDEHP performs one inspection per year going over records, plans and facility inspection.

Overview on the regulations from the State Health included key components that come down from the federal government: 1) landfills cannot be located in the close proximity to airport, faults, wetlands, geological hazard locations, monitoring wells, etc. 2) The landfill design, liner system, etc. is addressed in the OPED document. 3) The liner has to prevent any liquid from going through the soil. (There are ways that you can remove liquid from the landfill to prevent build-up and spillage.) The landfill has to have a cover on it as part of the plan; it must also show the topography as to what it will look like afterwards, and the potential uses. *Service Water Controls* – berms are necessary to prevent water from liquid from going in and out. The service area needs to depict where waste volumes are from based on estimates from the best information. *The Operations Plan* dictates the operation such as the types of waste accepted and not accepted and screening process of waste to keep out restricted materials out of the landfill. *Training of*

Personnel – all personnel has to training in knowledge of how to document and keep on record the mitigation of odor, dust and noise and it must satisfy by the state and local agencies. *Site Monitoring Plan* – such as ground water and gas, certain number of wells that are to be sampled quarterly the first 2-years and annually the rest of the time. Ground water contains 65-66 constituents and these must go through a statistically analysis – State Health and local agencies are to install a monitoring system – the reports go to the state health department and local entities. *Closure and Posting of Schedules* – the schedule for closing requires notification and must include the anticipated uses after closure for the land. This has to be approved by the state health department and locals and it must be monitored 30 years after closure including site inspections. There is an additional requirement of funds deposited that are in place to ensure proper closure. This is similar to a bond; the funds are set aside money to close and monitor it for 30 years. Key to the new regulations is that if the person walks away, goes bankrupt or whatever, then funds are available.

Glenn Harsh reiterated that there are plenty of regulations and yet the county staff claims more studies are needed. He commented that the state developed the regulations that are technically sound and now for the County to come up with more regulations seems implausible.

Land Use Code – the County has the code under which this may be reviewed. Glenn submitted Exhibit GG – hard copies of the presentation by Glenn Harsh. These included the criteria that *Jerry Gamba*, a geological teacher for Colorado School of Mines, who possesses the knowledge of the philosophic characteristics of the district where they are proposing to add landfills provided additional information. Glenn referenced that this was not a site specific location, but a general area defined as A/RD/D. Glenn also noted that Garfield County varies in real estate in geological and topography difference within the A/RR/D because it has some areas where floodplains etc. are depicted that include one or more of the issues would restrict a landfill. However, there is great deal of this area that has and would accommodate to the site standards set by the County. It is the only district in the County that is not federal land that would accommodate. In comparison, Glenn referenced the *A-I Zone District* primarily that portion in the eastern portion that is along the river bottom – you can't allow landfills in that, it won't fit into these State Regulations in that Zone District; *the resources zone RL* is oil shale reserve – no experience with that administration, probably would be federal; *Open Space District* would be allowed but anyone would be working with Forest Service and it is very difficult to work with them. *The AARD Zone District* already contains a wide variety of issues within most of the areas. Where you have plastic sediments, where it can be demonstrated there is compatibility and by doing the proper design, you could accommodate the landfill - areas where major geological formation zones exist such as and you can usually find an area that will meet the regulations for a landfill.

Commissioner McCown inquired as to the reason for the close proximity to the airport

Jerry referenced the difficulty to eliminate birds – magpies and crows are especially attracted to landfills and even if it is covered, there are times when you would have open waste that attracts the birds. Aircraft and birds do not mix well – the hazard being birds can be caught in the propellers of the plane and create very bad situations.

Conclusion – Glenn commented that the use proposed for this zone district by a special use permit is appropriate. *Criteria No. 2* – the code currently allows feed lots and these can be agricultural with sprays and pesticides being used, kennels, airports, shooting range, crematory, drilling for oil and gas, riding stables, etc. and he went on to compare the current existing uses with their hazards of smoke, traffic where motor campers are allowed, noise, dust, heat, glare of airports, Glenn stated he doesn't think that a landfill operation would create anymore hazards than those currently allowed. Alterations of the natural environment – ski trails, housing and subdivisions and mining of natural resource extractions – a landfill doesn't create anymore alteration – it is helpful – restores mine land to its previous condition and results in land conservations. *Criteria No. 3* per the land code, landfill use does not create any more smoke, traffic, and noise, dust or heat than the other uses allowed. *Criteria No. 4* – requires the Board to make a finding that such use is compatible and allowed in the district and reminded them that two landfills are already within the ARRD zone district, the one in Carbondale is closed and the one in South Canyon. Then you have Anvil Points and Rifle. And a landfill is compatible to mining and anyone doing mining should have a permit to fill it back up. The need is for a landfill that will allow housing construction materials as there is a lot of construction waste and more demolition is projected for the future – landfills are allowed in this district. Glenn said he believes this application is in compliance and therefore the staff comments 1- 4 are inappropriate. One of the reasons included in the staff report as well as public comments submitted as information for denial is due to the lack of a study being done. VRM completed a solid waste master plan

and now we are going for a text amendment; they are saying we need to study the study – wait another 11 years? We do not need another study; granted there's no master plan but a study and \$127,000 of taxpayers' money was spent to fund it pay this study. This study being proposed is repetitive hogwash; this study report concludes there was insufficient information unavailable. They projected that Pitkin County Landfill would only last 9 years. Pitkin applied for and received a permit for vertical expansion when it was set to close; the state allowed them to pile it on and the issues should be on the liner and the affects it can or does have on the ground water. They are not using new technology, they got away with it. One of the primary goals from community input is transportation, so you have grass clippings, etc going to Aspen to their landfill and coming from Aspen you have pop cans going to Rifle. At Aspen, there is no water to do composting. The long-range plan is to close all the landfills and send all the waste to Rifle. "He who pays the piper, call's the tune" – studies are useless – must use common sense and good judgment. Glenn submitted Exhibit HH – VRM Study. In the staff report that Kim prepared, there are letters and information and clearly refuted the comments made to deny this application due to not having more regulations. Regarding this statement - the lack of regulations, Glenn stated they filed the application in early October of 2001, 8 months ago and if more regulations were needed, they have had 8 months to develop them. Do we need more regulations other than the State regulations? Currently there are no County regulations for landfills; he sees this a mechanism to stall and impede progress. Regulations – the State has agencies that do have regulations – why not use what is it place. We are saturated with regulations. Current County Regulations for utilities, sanitation, wildlife issues, and geological; these are in all Special Use Permits. What we have is a process that the state has thoroughly regulated on all of the concerns and should place reliance in their expertise. The County has regulations that deal with land use such as traffic; when you put state with local regulations you do not need any more regulations. New landfills bring new technology and an added safety – makes common sense. Conclusion – it is common sense to reclaim the land and use it wisely. New landfills are subject to new regulations. In looking at the color-coded map and seeing what zoning is best for landfills, the only choice is the A/R/RD; it is near the population in the county. He added that there is no need to transport building waste material clear to Aspen; we should place our reliance on state agencies appropriately training. The NIMBY syndrome – these uses can be deterred by the local community. He believes this Board would have to find that there is nowhere in the A/R/RD for a landfill and they only ask for this use in that district. Finally, if you need to study the study, he reiterated that "He who pays the piper calls the tune."

Commissioner McCown mentioned the County Special Use Permit went with the land, how would that work with the state's approval of a landfill, is that transferred from owner to owner? Glenn responded that a new applicant being the purchaser of the land, would have to make application to the State; the State Health recommend approval or denial and the applicant is an intergral part; then the local authority can deny or approve. At any rate, that new individual would have to prove they are qualified to be the owner/operator of a landfill.

Mark McMullen reiterated that a change in owners requires a CDEHP amendment and they require approval for this transfer.

Janet Buck – Town of Carbondale Town submitted a letter and reviewed the contents of it before the Board. She added that she supports staff and feels that standards are necessary. This location as proposed is uphill from their wells and she wanted this on the record.

Scott Balcomb – representing the Homeowners Association of Wooden Deer Subdivision – located immediately North of the current mining operation. Complimented the applicant on being very articulate and thought it was a good idea for the applicant to fill the hole in the ground however, the BOCC should consider if it is in the benefit of the whole county as to the location of a landfill. 70% of the land has changed and considered in the zone text – 15% already compatible with landfills therefore if the County were to rezone the other 70%, there would be 85% of County land zoned for a landfill operation. 90% of the community affected by this zone change. Landowners selected their home sites based on the current zoning and need to be protected by the County. Before the County had zoning regulations, the owner could do whatever they wanted with their property; he has argued for the property owner having the right now to do whatever with his property. However, your neighbor has an expectations of the use of adjacent land and there is an obligation when there is a potential rezoning from Rural based to an agricultural based in the zone text. Those outside the boundaries of the towns are faced with the possibility of a landfill. It may be okay with all the State regulations but this has a direct affect on property values; there are serious ramification for the neighborhood We must use common sense; it does not make sense to change 85% to 90% of land to accommodate landfills. Plenty of regulations already and GACO does not need time to

develop their own regulations. Have to have some type of regulations as to where these landfills may be located. He has no argument for Mr. Blue but how can he make such a request when it changes 85%-90% of the land in Garfield County. If the zone text is amended, we need a regulatory basis of how to decide which portions of the A/R/RD zone ought to be approved for landfills. Scott suggested a different procedure that would probably work better and be far more far to the 85%-95% of County residents that stand to be detrimentally affected and that is: A) assuming we need more landfills, which has not been proven, and B) why don't we decide what criteria the landfill properties ought to have, no evidence has been offered there other than the fact that the applicant has a hole in the ground that he wants to fill, and once we have that information, we go out in the County and look for properties that meet the proper criteria we set forth for landfills and create a zoning category that allows them. That way, future people that want to buy land next to it or develop land next to it, or buy a rural piece of land will know in advance that they are buying land that may be subject to a landfill operation. This would protect people and give them a reasonable basis of expectations. Applicants may say that mining is horribly disrupting, landfills cannot be any worse, and we ought to allow landfill everywhere there is a mine. Most people are aware where recoverable minerals lie – it doesn't take anybody to figure out where the gravel in this County is located, and if you go now and buy a piece of rural land next to a known gravel deposit, then it would be unreasonable to come in and say that you shouldn't approve a gravel pit because the zoning doesn't approve of it, or any other reason. You have taken the risk there – it is the same as buying a piece of property on which the zoning already approves that use. This is not the same as changing all of A/R/RD to allow landfill operations. You can dig a hole anywhere whether you were mining or not if you wanted to create a landfill, then you have created it. Then if you amend the zone text amendment for every single person in the County. In conclusion, Scott summarized there is no evidence of need, we need to look at this from the point of all of the people in Garfield County not just one who will like to fill a hole in the ground, and this is an enormously complex area and the existing State do not decide necessarily guide the decisions of this Board trying to determine what portion of that 70% of the County would be suitable for landfill activity.

Traci Houpt – Valley Resource Management said that Scott Balcomb raised most of the points that she would like to make. VRM was created in 1991 to study solid waste planning and education and yes, the study is 10 years old and it did allow a structure for the region for resource recovery. Outlines show we did not follow that and added a great deal of life to landfills. Aspen was slated to be closed in the year 2000, but since then, it has been allowed to continue. South Canyon has had a change in management and is now diverting wood waste and other resource recovering. She would recommend taking the Planning & Zoning recommendation and allowing the staff to do additional studies. If this zone text is approved, the BOCC is allowing 90% of County property available for possible landfill operations. Landfills are typically offense and by going down a checklist of annoyance saying landfills are not any the worst use that already outlined in the A/R/RD and that a sanitary landfill with no specific criteria for Construction Waste Landfill. The main issue is that the State has delegated powers to the County and with their own regulations, the County would not go back and retrace the State but they would check to make sure it is compatible use in particular areas within the County. She favored a waste management study, however, the issue of the need, alternative, and expansion of other landfill, volumes of and predicted use of has not been supported and she is not convinced that we need to open up landfills to 90% of the County. The old landfills were grand fathered at the time of the zoning regulations in 1978, now anytime there is an expansion you follow the new regulation of the State. Eagle County has a landfill, Pitkin, South Canyon, Anvil Points and the County landfill in Rifle, most have the opportunity to expand. We are not at a critical juncture to make such a decision about adding a landfill. There are local concerns with the current location and felt it is important to listen to the Town of Carbondale over their water quality issues and other environmental issues. To fill a mine pit with solid waste is different in reclaiming it in other ways, the pollutants are incredible.

Bart Johnson of the Ranch at Roaring Fork submitted signed petitions from 158 members of the Ranch at Roaring Fork Homeowner's Association. Chairman Martin entered Exhibit JJ into the record.

Chuck Vidal said he is an adjacent landowner to the Blue property and agrees with everything said, especially that there is no need established to hurry up and do this, the applicant missed the point because it comes down to compatibility and if the Board allows a landfill in the A/R/RD zone district that would affect a huge portion of Garfield County; therefore he questioned why didn't the applicant only ask for his property to be rezoned. Let him make a new application, come in, and request the zoning change to allow for a landfill on just his property. He admitted being guilty of a NIMBY and said it is not fair to fight on a county level.

Glenn Harsh – Argued that this is not a blanket approval, this will not allow landfills everywhere within the A/R/RD zone, it will only allow the Board to consider allowing a Special Use Permit land use issue based on their criteria. They hold the big hammer and the Board may deny any SUP application if they view it as hazardous to the health, safety and welfare of the County in a particular location. In this particular instance, he compared the citizens cry the same as they might for a shoe store, they don't want competition. All current landfills in Pitkin, Glenwood Springs and the County do not want another shoe store or landfill to come in town. The need for it is not an issue to be considered. When landowners buy property within the A/R/RD zone district they buy into land where commercial activity, an airport, crematory, exploration of natural gas, kennels, shooting range, etc. are permitted in the district and he could better understand it if they were asking to have a landfill next to the 18th hole of Aspen Glen. This relative similar to other uses in the zone district. He continued arguing that it is not that greatly different – this use is going to be compatible. He took issue with Terri Hought's grand assertion and noted that the State added 15 years to the Pitkin County landfill. They got a permit for vertical expansion and yes, it was frowned upon but just when it was set to close they got the state to allow them to pile it on. The issues should be on liner, there is none and contamination to their ground water is a big concern. However, they got away with it; therefore, what Terri asserted about any new expansion is not true. Visual offensive – landfills do not necessarily have to be visual offensive. Compatibility – is the issue when it comes to the SUP issue time as set forth in Section 5.03.09. When it comes before the BOCC, that's when the specific location is addressed in comparison with the neighborhood; if approved it gives the Board an opportunity to put forth some ideas, implement new technology, and just look at a Special Use Permit – the Board can always deny based on incompatible. He ended with the final thought that we do not need another study to study the study.

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

Commissioner McCown made a motion to deny the zone text amendment to allow landfills as a Special Use in the ARRD Zone District.

Findings:

Commissioner McCown - Finding that allowing this use to occur in the ARRD zone district the mere vastness of the ARRD district to me is not in the greatest interest and the health, safety, and welfare of the residents in Garfield County. I saw that today we talked about specifics, we talked about the State permitting, we talked about a lot of things that directly related to this specific site, however, I think this issue is much bigger than this one area of a pit, we're talking about a major percentage of the County that would allow this action if we agreed to this zone text amendment, it would allow this and other actions to come forward in the majority of the County and I don't feel that that's in the best interest of the County. Commissioner Stowe seconded and said based on the findings by Commissioner McCown he still agrees. Motion carried.

REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO CONSTRUCT A SINGLE FAMILY RESIDENCE AND DRIVEWAY IN THE FLOODPLAIN. APPLICANTS: BERNARD AND SIDNEY PONCELET

Kim Schlagel, Don DeFord, and Mark Heckler representing Sopris Engineering were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Planner Kim Schlagel submitted the following Exhibits: Exhibit A – Letter from the Mark Gulfillan of the Department of the Army dated May 13, 2002 recommending wetland consultants for the Poncelets who routinely perform wetland delineations and are familiar with the Section 404 permit process; Exhibit B – Letter from Gary Beach, CES from Beach Environmental, LLC. Dated May 28, 2002 regarding a site evaluation for wetland impacts; Exhibit C - Green and White Returned Receipts; Exhibit D – Proof of Publication; Exhibit E – Garfield County Zoning Regulations Application and Materials; Exhibit F – Application Materials; Exhibit G - Project Information and Staff Comments; and Exhibit H – Letter by Yancy Nichol of Sopris Engineering.

Chairman Martin entered Exhibits A – H into the record.

Kim explained that the applicant has stated there was an error on the plat identifying a spring and a creek and because of that identification, the Department of the Army said that they would need a discharge to water permit is required for this application. The applicant has represented that a misunderstanding has occurred on the plat in the labeling of "spring" and "creek", thus resulting in a misunderstanding in required permits with the U.S. Army Corps of Engineers. These issues are listed in a letter from Gary

Beach of Beach Environmental LLC, Exhibit B. Therefore, the application will be required to resolve these issues with the Army Corps of Engineers. The Poncelets have asked to continue this hearing until June 17 to give the applicant time to submit a new plat taking the spring and creek off in order to give it to the Department of the Army and receive a letter stating they do not have objections.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the public hearing for the Poncelets until 10:15 am on June 17; motion carried.

Chairman Martin entered Exhibits A - H into the record.

DISCUSSION OF THE POSSIBLE VACATION OF FINAL PLAT APPROVAL FOR A PORTION OF THE POWERLINE SUBDIVISION

Don DeFord, Mark Bean, John Barbee, and Robert Kline – Western Slope Development were present. Mark Bean submitted an update to the Commissioners stating that the letter of credit filed with the County is only valid through June 30, 2002. The SIA that is of record has technically expired since the last amendment extended the time to complete the improvements to February 15, 2002. It is staff's position that the County needs to request payment of the \$195,000 contained in the letter of credit. There are individuals that have purchased or entered into contracts to purchase lots with the subdivision that need to be protected. Additionally, staff would request that the Board authorize the Building Department to initiate the process of vacating the Final Plat for the lots that have not been sold.

Issues are tied to these very concerns – applicants have not completed the improvements.

Deferred to the applicant - Sherry Coloia representing Robert Kline for the Powerline Subdivision apologized for not submitted this in a timely manner. She amended the SIA that will bring us to the December deadline; the applicant has received his letter of credit so hopefully that will show the Commissioners the applicant is serious about getting started on the project.

Robert Kline, Western Slope Development – The project is basically complete. They had a problem getting the pumps in operation which their primary thing to complete. They have to be attached to electricity; also, they have had some sub-contractor problems along the way.

John Barbee – confirmed they are just about done; needs to get the as-built and certificates complete and once the pumps are up and running they will be all set.

Mark – explained the expiration of SIA was their biggest concern but since they appeared today, he said he feels they have explained and would remove his objection.

Don raised the question on the way the amendment is drafted the improvements are to be completed by November 1st and pursuant to our standard form it provides that the letter of credit will be valid six month beyond that date, but the letter of credit that it is only valid to the end of the year.

Jay Rickstrew of Alpine Bank in Rifle, the banker was present and stated they will extend the letter of credit the six months extending it to May 1, 2003 for \$195,000.

Don framed the motion needed by the Board was authority for the Chair to sign an amendment to the Powerline Professional Park Subdivision Improvements Agreement extending time for completion of improvements to the 1st of November 2002 upon presentation of a letter of credit valid through the 1st of May 2003.

Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

CONSIDER A REQUEST TO EXTEND THE PRELIMINARY PLAN APPROVAL FOR ONE (1) YEAR FOR THE MAMM'S VIEW SUBDIVISION

Mark Bean said Joe Hope called and then submitted a formal request for a one-year extension to the preliminary plan application for the Mamm's View Subdivision, Resolution No. 2001-32, dated May 21, 2001. He stated he has permission from Dave C. Brackett to proceed in this manner.

Mark said it was technically valid as it was submitted within the time frame of the final expiration; technically it expired the 25th of May. This request came in on the same day itself. They would still have to comply with all the original conditions as the Board originally motioned, provided the Board agrees to the extension, they would have to comply with the original conditions made by the Board and included in the Resolution of approval. Even though there are some errors and we all have heard about in one form or another, this will give the applicants or the subsequent new owner, which may be a possibility the opportunity to try to correct the errors and/or re-submit. There is only a one-year extension available.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the one-year extension for the Mamm's View Subdivision. Motion carried.

REVIEW A LETTER FROM THE ASPEN GOLF COMPANY REGARDING THE COMPLETION OF THE BIKE PATH ALONG CR 109, WITHIN THE ASPEN GLEN PUD

Don DeFord and Mark Bean were present.

Mark Bean said Mr. Green responded to our discussion and tentative approval of plat subject to some resolution of the issue of what is occurring on this bike path, and as you can see they have received a bid for \$129,470 to complete the bike path along the west side of CR 109 that is within the area of Aspen Glen. They estimate a completion date of July 15, 2002. Mark submitted a copy of a signed contract between Aspen Glen Golf Company and DRT2, LLC, The contract provides for a work commencement date of May 15, 2002. At this point, we are holding in abeyance the Authorizing and Request of the Board to authorize the Chairman to sign the amended final plat subject to the Commissioners acceptance of this letter.

Commissioner Stowe – it is not acceptable to me – No. 1 it doesn't give a time when they will complete, it's still an estimated time and No. 2 it doesn't say it is going to be open to the general public. He wanted those two things. Mark said, it is intended to be open for the public

Commissioner Stowe - The issue is if they have to deal with the contractor but the other thing he wanted in there was when it was going to be open to the public, completion does not mean open to the public. Can they put a gate at each end of it; does the original plat allow forcing that to be open. Mark said it is intended to be open to the public. Commissioner Stowe said he knew it was intended to be, but I am curious, if it can be opened on that day, then they don't have to have spelling, but I don't what the original plat says as he wasn't involved. Don clarified that it was a condition approval that it be a public bike path. Commissioner Stowe – are we sure that it is going to be a public bike path? Don said yes. Mark – and there will be access admittedly on the north end there, it's going to be a kind of jogged access because of the grade there to get that, but that was part of the agreement. Don – because of it there should be no difficulty in making that representation either. Commissioner Stowe – well, logic says if you bike path, it's open to the public, but I'm tired of the little prancing we've had for the last five years and I want it clear. I have had several constituents call repeated in the last six months, when is it going to be open and I cannot tell them. And, just because they do complete and they ultimately open it to the public, whether they open it this year, next year or three years from now. Mark said then that the Board would like Mr. Green to clarify that it will be completed on that date and opened to the public on that date. Commissioner Stowe said he wanted a date certain. I do not need copies of contracts; I want a commitment from them for those two things.

CONSIDER A REQUEST TO WAIVE THE ANNEXATION REPORT FOR THE SLAPPY ANNEXATION TO RIFLE

Don DeFord, Mark Bean, and James Neu were present.

Don submitted a letter from the Lee Leavenworth & Karp regarding the City of Rifle, West Rifle Industrial Park Annexation Petition and Waiver of Annexation Impact Report Requirement. Don stated that the City of Rifle is currently considering an annexation petition filed by the West Rifle Industrial Park, LLC. the current owner of a tract of land currently situated in Garfield County. Reference was made to a letter dated November 7, 2001 from Commissioner John Martin regarding the annexation that requested the City annex County Road 264 adjacent to the property. The City has stated they do not desire to annex this road because it serves no purpose to the City. Commissioner Martin's letter further stated that if the City does not annex County Road 264, the County may deny the application access onto the Road from the Property. Another letter from Kit Lyon that stated that is access is proposed onto County Road 264, the City should annex the Road. Both letters seem to indicate that so long as the property does not access County Road 264, annexation of the Road by the City is not an issue.

Lee Leavenworth stated that the proposed Subdivision does not access onto County Road 264 and the City proposes that the Final Plat for the Property should expressly prohibit access onto County Road 264.

Therefore, with this restriction, the City believes there will be no impact to the County road system in the event the proposed annexation is approve and hereby requests that Garfield County waive the requirement of an annexation impact with the condition that the final plat prohibit access onto County Road 264.

Mark Bean requested that the board authorize staff to send a letter signed by the Chairman waiving the requirement for the annexation report since you have reviewed this.

Discussion

Chairman Martin commented that he has seen Lee Leavenworth working his way from Basalt to Rifle working with every community and every community that annexes makes people pay. They do the annexation, it cost the applicant on everything such as water, sewer, roads, improvements, and impacts all the way through; the county is not getting a thing when it comes to asking municipalities for annexation of the roads, etc. Understanding in this instance, they may use the state highway for their access, but the developments are not paying the county to go and annex into each municipality. We are not really helping the citizens of Garfield County by letting the city's dictate to us what they are going to do on annexation and getting nothing for it. I think we ought to come up with some way to work with the municipalities that

if they annex it they have to make it a benefit to everybody and not just that individual. I.e. Four Mile and annexing into the City of Glenwood Springs, this would cost me a bunch of money, same with the City of Rifle. Four Mile - We asked them to annex a small portion of that road, maintain that road. And, we need to be doing that because we are taking on the responsibility of maintaining those roads that are actually serving all citizens now within the City. Granted they have a budget to maintain and they are getting away with not doing it. Rifle is hedging a bit by saying we will take it off Hwy. 6 & 24 instead of CR 264. We really need ways that if we say annex the road, we mean it. We are missing the boat somehow in my opinion.

Commissioner McCown – CR 264 goes back to Bill Clough's but for all practical purposes, it is a county road that only serves Bill. These people did not wish to access CR 264, they did not want their subdivision to annex CR 264 because the City was going to make them curb and gutter that portion from the box manufacturing all the way to Clough's property line. So then, they said, we will just come off 6 & 24 and eliminate the use of CR 264 at all. Now they will put curb and gutter along 6 & 24. So yes, you are right and it is just like the water line to the West Rifle exit. The Cities put their foot on people's throat that want to annex in because they have the utilities. It is up to the individuals wanting to annex. The City of Glenwood Springs did not go out and try to entice Four Mile Ranch to come into the City – Four Mile Ranch wanted in.

Chairman Martin still maintained that we are missing out somewhere with the impact and the cost of the County to maintain that section of road whether it is adjoining to a property that is now being annexed into the City. In the Smart Growth Legislation, it says that they will provide those services and will show within the next three years in their plan that they have an annexation plan and that they will provide all utilities, maintenance and the wherewithal to the people they are asking to come in or asked to come in.

Commissioner McCown – John, they will do it; they will upgrade it, if the person wanting to annex will pay for it. It will be upgraded at the landowner's expense wanting to annex. That is not doing the county any good. It would prohibit someone from annexing in.

Chairman Martin said this is the reason we have sprawl and one of the biggest reasons we do not use infill as part of our build-out scenarios and we are not working with the citizen. What we are doing is just letting it run rampant and not corralling it all.

Commissioner McCown there is the on-going controversy – sprawl on one hand, density on the other. And, you never find that happy ground. In one subdivision that was just approved south of Glenwood Springs that was probably the most logical location for the density that came before us, we disapproved it because it was too dense. Now we approved one with 190 units on it and we are being hammered for sprawl.

Chairman Martin said he still thinks the cities are bring us to task and we're not doing anything about it, and wants the Board to take a stand once in a while.

Commissioner McCown – I think we need to get into the utility business and put a stop to it.

Mark added the issue the Board is bringing up is certainly appropriate and applies to the next agenda topic because that is exactly what's occurring there – they are pulling in and have specifically said they don't want to take responsibility for that particular section of road.

Commissioner McCown said the discussion was originally on CR 264 and he did not think we were getting hurt because it only serves that one individual.

Don DeFord directed the Board back to the Slaphey issue, the action he is requesting is for the County to waive the annexation impact report and we do need action on it.

Commissioner McCown made a motion to waive it; Commissioner Stowe seconded;

Stowe – aye; McCown – aye. Martin – nay, opposed on principal. Motion carried.

CONSIDER COMMENTS TO THE CITY OF GLENWOOD SPRINGS REGARDING THE PROPOSED ANNEXATION AND DEVELOPMENT OF THE RED FEATHER RIDGE (AKA FOUR MILE RANCH) SUBDIVISION

The City of Glenwood Springs has requesting review and written comments regarding the Red Feather Ridge proposal that includes the request for annexation, expansion of the urban growth boundary, major development, and zoning of R/1/G. The proposed subdivision consists for 149 lots, 35 acres, park and 55 acres in passive open space. The land is currently subdivided into 58 lots.

Don DeFord – Mark, the transmittal letter that he has, is there any indication as to why this was submitted to us and why he is asking is was it submitted to us under the Intergovernmental Agreement, as an annexation impact report, as a proposed zoning change or what.

Mark – we are being sent a copy of this as a review agency but no, there was nothing specifically addressing it as neither an annexation report nor anything specifically. The application he has was

submitted to the City of Glenwood Springs. There is an annexation impact report included in this application and according to the letter; they want us to respond by the 14th of June.

Don mentioned in the IGA between the County and Municipalities, it allows us 21 days to respond. He asked the Board if there were any issues regarding compatibility with our County Plan or Zoning. He also noticed in looking at the map they submitted, they are proposing a road connection to the Bershenyi Ranch and if that were to occur then that's another traffic corridor into areas that are currently in the County. It used to be a lot in the southwesterly corner for a fire station that is not going in with this annexation.

Chairman Martin it's a typical large urban area un-imaginative maximizing the lots on a piece of land that really doesn't benefit the agricultural areas next to it, it's nothing but a sprawl, it is one of the worst designs that I think has happened in that area simply because it is offensive to the neighbor, it's out of character for the neighborhood, it doesn't meet the County zoning requirements or adjoining zoning. It is agricultural that needs to remain agricultural land, we approved it as 58 units not 142 units.

Commissioner McCown – they submitted this latest and greatest density on the site plan.

Chairman Martin said he thought it was excessively big. And if that wanted that many units they need to go ahead and look at a clustering unit to allow 80% of the space to remain open space and use the clustering we have in place and not to maximize that use of every 2500 square feet as a lot.

Don pointed out in the letter from the Bank there's a lot that is omitted concerning the current design; they talk about 58 large lots and leave the impression that these are all the state sized lots but that practically that's not correct because while they are large lots substantial portion of them are committed to open space by a dedicated easement.

Mark pointed out in their project it included the long linear lots of at least 2-acres in size, basically 1-acre of each lot was going to be dedicated to a common open space that was essentially un-buildable; they have added two cul-de-sacs and then looped one section as well. Commissioner Stowe questioned their rationale for eliminating the fire station. Mark said he did not know. Commissioner Stowe he could understand why they did not want the road. Mark said the only thing he could speculate was that because it is a rural fire station; it should remain in the County. He was not sure if there was any statutory requirement for that to be the case. Commissioner Stowe commented a rural fire station run by the City of Glenwood Springs.

Commissioner McCown mentioned this entire fire district is a weird hybrid anyway; they have a rural district and a City Council that governs this whole fire district. Chairman Martin – noted within a mile there is another fire station the one at Dry Park. Mark said his understanding was that they want to remove that fire station at Dry Park and move everything to Four Mile but that fire station is no longer viable because they had difficulty putting additional buildings on it and it did not really have utilities that met their needs.

Chairman Martin commented that they violated their lease with the property owner and is being evicted; they were also allowed access where they were not supposed to have it. Also, the traffic impact fees, felt they were not taking in Four Mile to connect Midland Avenue to the subdivision. Those impact fees need to come to the County, and they need to annex the road. Commissioner McCown – no but John they are going to go to address other traffic concerns in the City - Citywide transportation improvements. Don pointed out to the Board on the fire station issue, they have not complied with State law in terms of submitting that project to Planning Commission, does the Board expect that or not. Chairman Martin mentioned where they say they are going to contribute \$400,000 to the Roundabout in Midland Avenue and Four Mile Road; I think that we should the road annexed if they are going to do that big of an improvement and they are leaving out ½ mile of road that's adjoining Four Mile Ranch to that Roundabout. Out of the 149 units there are 23 units that are supposed to be affordable, and how are they affordable, in what price range, and how are they going to be restricted, using which formula, the City of Glenwood Springs or the existing Garfield County Affordable Housing, and who's going to administer it. Mark said it would be the City's formula.

Commissioner McCown pointed out that they would only be housing sites – lots not houses. He said he wholeheartedly objects to the City - this project will further benefit the City of Glenwood Springs by providing a significant financial contribution and traffic impact fee that can be utilized for Citywide Transportation Projects when they are not addressing the road immediately adjacent to the project. They are refusing to address it through annexation. Don provided the history on this project; back in 1994 we wrote a letter to City objecting to annexation at that time on substantially the same grounds, particularly the Four Mile Project, so it's not as if they are not on notice on this. Chairman Martin suggested we should include that also in our comments that the answers from 1994 still have not been answered; it is not a new issue, it is an existing issue. Mark asked if the Board would like him and Don to work on a letter for presentation next week for the BOCC. The Board agreed to this action. Don inquired if there was any timeframe for annexation. Mark said he has not seen that to date. Commissioner McCown – what they are asking is to be

annexed with this new density – that process has not ever approved. Isn't that circumventing the process on that increased density? Don said what they'll do is annex and go through a re-zoning process once they are with City; if the zoning were not to be approved, and then their agreement typically allows them to back out of it and be annexed. Commissioner McCown – what if we don't take them back. Don said you don't have a choice, if they're not in the City they are in the County. This is the problem we have with municipal law is that it is totally in the control of the municipalities and the Counties are left out of it. Mark added if they don't reach an agreement on this increased density in this particular development approval, they will not annex and so it would come back to the present landowner and he will have a subdivision of 58 lots that he can attempt to sell as they have been for the past year with the water and sewer. Don said one of the interesting aspects of this project is because of some transfers of property that Four Mile folks did to the County several years ago, we are an adjacent landowner and have the same standing as any other private landowners. And, we have impacts all along the road. Don added that he will not be here from Thursday through Wednesday and it will be up to Mark to bring the letter back.

New Employee – Building and Planning

Fred Jarman – Planner position. Mark said Kim has been working with Fred on a couple of projects and he is ready to jump into them and get going.

Fred said he was interested in working with this Board.

ADJOURN

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

Attest:

Chairman of the Board

JUNE 8, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The EMERGENCY meeting of the Board of County Commissioners began at 8:10 P.M. on Saturday, June 8, 2002 with Chairman John Martin present and Larry McCown located at the Rifle Fire Station. Commissioner Stowe was absent. Also, present were Sheriff Tom Dalessandri via cell phone, Assistant County Attorney, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:10 P.M.

COAL SEAM FIRE – DECLARE DISASTER

A report was given on the fire. The areas affected include South Canyon, Mitchell Creek, and Red Mountain and areas in West Glenwood.

Contact was made to Julie at Rifle Fire Department where Commissioner McCown was based for a discussion.

Chairman Martin stated Statute Number 24-32-21-09 Local Disaster based on information supplied by the emergency manager coordinator and the Sheriff of Garfield County to the County Commissioners that a fire is totally out of control beyond the scope of local jurisdiction ability to fight the fire. Commissioner McCown asked if we were having trouble getting people to evacuate. Chairman Martin said no, the Sheriff's office has been working two hours plus on the evacuation as well as the City of Glenwood Springs, coordinating the effort also going to the Glenwood Springs High School and Red Cross is on the scene taking care of anyone that may have smoke inhalation or whatever. Thus far, no problems. Commissioner McCown asked if Chairman Martin could confirm that the High School is still taking evacuates. Chairman Martin said yes we can. Rifle said they have rumors that they were moving them to Spring Valley. Chairman Martin said no, we'll verify that one; also, based on the recommendation of the State Forester, we need to move into Federal Aid.

Commissioner McCown said okay, but the action we are taking is based on the Declaring a Disaster that 24-32-10-09. Chairman Martin agreed this was correct. Commissioner McCown made that in the form of a motion. Chairman Martin stepped down as Chair to second the motion; motion carried.

Chairman Martin stated we'll put down the pertinent information we've had catastrophic loss of properties, structures, and numerous locations – we'll site those as well. Commissioner McCown, okay, are you or whoever is coordinating the shelters with Red Cross? Chairman Martin stated that would be the Command Center set up at Glenwood Springs Fire House. Is Mike Alsdorf there? Chairman Martin said he was fighting the fire and he was not sure if he was at the Command Center or not. Mildred stated that Lynn Alsdorf and Leroy Moreno are there and several others. Rifle asked Mildred if somebody needs to stand down and track it from Chairman Martin said he did already, thank you for being so alert. Therefore, we will proceed with the Federal Aid on documentation, the State and the Governor has already been notified through the Command Center. Everyone is involved at this time. Troy asked who called the State, John. Chairman Martin stated that the State Forester contacted the Disaster people and he didn't have the names. FEMA is on the scene as well. We have a fire line that's holding in West Glenwood right now. So we think as far as we're concerned we're status quo, and will not ask for any more assistance.

Commissioner McCown asked if Midland was critical. Chairman Martin stated that Midland is critical because the fire is working it's way down Red Mountain but there's not much we can do about it, everybody is involved and we're just watching it burn. Commissioner McCown asked if the fire is over Three-Mile or in Canyon Creek. Chairman Martin said we haven't had an up-to-date report on that. No ground troops have given us anything. Commissioner McCown said the report we received was that the fire was starting to break over into Three-Mile. Chairman Martin confirmed there was no smoke over there yet, most of it is hitting on the face of Red Mountain and then moving on the top towards Three-Mile and we can see that. Troy asked is the fire was basically out. Chairman Martin – slowly, the wind is blowing to the North so it seems to be dying down a little bit, but it's still working its way South. Commissioner McCown said the weather forecast is that the wind has calmed down but they are still calling for 45 mile hour gusts tonight. Chairman Martin said that was correct and is the real concern towards Three-Mile, if the wind shifts. The Municipal Center is surrounded and the fire is very red over there, it's gone clear up into the sky, we're had a lot of flaring, a lot of crowning, and the smoke is just rolling out of there, it may be on fire, we're not sure. He verified if Commissioner McCown was planning to stay at the Fire Department in Rifle or go home. Commissioner McCown said he would stay there. Chairman Martin gave the location of

384-5000. Troy asked if the Ordinance could be sent down there. Chairman Martin added that the City of Glenwood Springs also did a Declaration as well. Steve Denny asked both documents to be faxed to him. Commissioner McCown noted that Social Services Margaret Long and Public Health Mary Meisner were also present at the Rifle Fire Department. Chairman Martin mentioned that cell phones were not working very well in Glenwood Springs. The tower is located on top of Red Mountain. The plan was to call Margaret and Mary at home if necessary. I-70 was closed. Chairman Martin summarized that numerous houses have been lost including Ami's Acres. The plan is to coordinate with the Command Center and the Sheriff and re-contact those in Rifle within the next few minutes.

Chairman Martin confirmed that evacuation has been moved, just five minutes ago, to Spring Valley CMC Campus, the Emergency Preparedness moved them. Public Health needs to be on standby and so does Social Services. He verified no confirmation on the loss of the MOC building, the Mall in West Glenwood or any car dealership however; some cars have exploded out there from the heat. The flares on Red Mountain are about 150 foot high. The number one worry for Glenwood Springs now is their water treatment facility; the flames are advancing toward that. If the fire reaches that, they lose all water for the City.

EVACUATION OF THE GARFIELD COUNTY JAIL

Sheriff Dalessandri notified the Commissioners that there was a need to evacuate the Jail. Eagle County has volunteered to transport to and from the Garfield County Jail the men in maximum hold and the four females. Plans are underway. The evacuation is due to the intense smoke. Arrangements have been made for RFTA Buses and the inmates will be housed at the Carbondale Middle School Gym. National Guard will post two teams of five to guard the doors. Tom stated he would leave a team of four at the jail to handle releases and bookings. Dan Hall and Les Beckman will be the leadership team in the effort. Recess until 9:00 A.M. June 9, 2002

JUNE 9, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Continued EMERGENCY meeting of the Board of County Commissioners resumed at 9:00 A.M. on Sunday, June 9, 2002 with Chairman John Martin present and Commissioners Walt Stowe, and Larry McCown via the telephone. Mildred Alsdorf Clerk & Recorder was also present.

CALL TO ORDER

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

OVERVIEW OF THE WILD LAND FIRE SITUATION ANALYSIS

An overview was given based upon the recently completed yesterday and signed by the Unified Commanders along with the line officers for the Glenwood Springs Field Office of the BLM and the White River National Forest. *Frankie* presented the overview analysis with the emphasis on the selected alternative. Copies of the analysis were handed out. One of the Incident Commanders on the Type 3 Team reported they were on a unified command mode. Sheriff Tom Dalessandri and Mr. Queen are the other two incident commanders. The fire situation started yesterday June 8 at approximately 1:00 PM and the suspected cause was a known Coal Seam in the area, which apparently broke through and caused a vegetation fire. Local resources responded out of Glenwood Springs and neighboring jurisdictions; requested help through mutual aid of all surrounding cooperators and basically, it was a long day. Fuel conditions around this part, the Oak Brush and grass are really carrying the fire aggressively. Measured fuel moistures were near normal ten days ago of about 14 – 18 days ago, the Oak leaves were still coming out so that was near normal and it has been going downhill since then. Spring flush didn't last very long, they got full moisture and now they are drying out rapidly. Grass which appears to be green is carrying fire with the winds that were experienced on Saturday and again today. Local indicators or Energy Release Components (ERC) in the area have been above the 90th percentile for the past few weeks and several days within the past few weeks where we have set all time highs for fire danger. Fire behavior on Saturday consisted of 40 – 50' flame links in several areas, rapid rate of spreads especially with wind. For the most part, medium range spotting with the occasional long range spotting, some of these advanced along I-70. The fire originally started in South Canyon, south of the Interstate, and then it hopped across and kept going with the strong wind. The suppression resource available was what we understood had been ordered for this incident. Objectives: fire fighter safety, aviation safety, public safety and besides the safety factor minimizing the extent of private property damage particularly homes and structures within the Glenwood Springs area and the surrounding subdivisions. Environmentally we have real erosion soils in this area so minimizing the acres burned in the vicinity of Glenwood Springs is also an objective to minimize the impact of runoff will have on the area later. Socially, public concern is where we will try to get out ahead of this with an aggressive public information campaign to try and keep folks informed, especially with loss of homes that we've experienced in this incident. Alternatives – we consider only two alternatives, basically on Saturday we were operating on the weather forecast we had which was calling for a frontal change bringing northwest winds something Sunday afternoon so they seriously considered a mass evacuation of the entire town of Glenwood Springs with the anticipation that the fire would progress to the northeast during the morning and then with that frontal shift it would come back into the town of Glenwood Springs. Later, we received more weather information, looked at other alternatives. Alternative B is a tone back version of that where we were just looking at the areas that were most in danger and evacuating those first and then trying to make attempts at checking the fire spread. Everything we can get our hands on has been ordered for either case so suppression cost wise doesn't really factor into the decision. Resource value losses that we were really counting at this time were homes; buildings and improvements, there were no natural resource values considered. Decision summary and the rationale – we chose the stage of evacuation scenario where we just went with the most threatened areas first and then progressed with other evacuations after that. The imminent threat was likely in the Three Mile and Four Mile Creek areas, Glenwood Springs proper didn't believe was in imminent danger until we saw what kind of weather was going to be dealt out today. Another consideration that came into that was our ability to evacuate.

Document titled Incident Management Team briefing – Coal Seam Incident, June 9, 2002.

This document was gone through page by page. A fair estimate of the fire size was done this morning and a good map by Mike Firi and came up with acreage of 7300. Land Status – we're looking primarily at private and BLM has the major landowners followed by the White River National Forest. Resources threatened: sensitive soils, steep slopes and the bear slopes, the Cut-throat fishery in Mitchell Creek as well as the State

Fish Hatchery and the water tanks that supply water to the City of Glenwood Springs. Private property and structures have been threatened and some have been burned. As of now, we do not have an estimate of the private acreage that has burned but an estimate on the number of structures, which were 23 primary structures and 14 out buildings. Other values at risk are other subdivisions that could be imperiled and the municipal watershed for Glenwood Springs, No Name and Grizzly Creeks about 5 – 6 miles to the east of the current fire perimeter. Support Services that the incoming team will be using includes the Grand Junction dispatch, Grand Junction expanded dispatch, GIS support on the Type 3 Team, local cooperators for structural engine support and a lot of law enforcement support. Command Section – Daryl Queen and Tom Dalessandri gave reports that included an update on the Coal Seam Fire saying there were six air tankers, five hand crews, fire engines and crew from all the municipalities, helicopters are available on orders, and a fire line has been established at the South Canyon location. Tom mentioned they had been conducting media tours of the site but areas where there are continued risks to continue those bus tours, we will terminate them. Resident's tours have been conducted with the van, taking people into the immediate area of Mitchell Creek so they can see whether their house was damaged or not damaged, lost or not lost. Another van is dealing with special needs issues and is situational based on fire behavior. Tom's focus is to keep the media informed as nothing is top secret here, and he wants to give correct information so this can be disseminated to the community. We have set up a Community Resource Center at the High School with Red Cross, counselors and two objectives: 1-800 numbers that ring into the Red Cross and faxing factual information to the Center which funnels that information to Denver – this allows people from out-of-town can dial the 800 number and find out about their family, their property, etc. They can also have walk-ins that can find out information. This has proven successful. There is an informational board at the south doors to the Courthouse as well. Tom said he has a citizens group organizing for pet rescue that will have a fire representative and a Pitkin County rescue coordinator helping.

Bill Kite presented his viewpoint and stressed the priorities as evacuation procedures including West Glenwood, Midland Avenue to 27th Bridge, then Three Mile and Four Mile as well. The threat of the water plan was something they did not communicate to the press in order to avoid panic from the community. They called in a HAZMAT team from Grand Junction who later completed an assessment of the manner in which the issue was handled and passed with excellence. There were 63 law enforcement personnel helping with the evacuation. The hospital was involved as well and informed about the evacuation plan.

Frankie - There was a red flag warning remains in effect through Sunday and issued for all of eastern Utah and western Colorado due to the strong winds, warm temperatures, strong winds, and dry conditions. The count of fire fighting sources included: 25 fire engines, 8 water tenders, 200 single sources, 50 different agencies or organization represented. Rob – Type 3 ground operations reported on the air support saying it included 5 more tankers on order, 3 type 1 helicopters and 3 type 3's. Reports were given on the ground teams, making firebreaks and protecting structures. The big concern today was that this direct west flow and the speed of the wind that happened yesterday could happen again today and cause the fire to do an across the slope burn that would force it to Glenwood and force them to evacuate the rest of Glenwood Springs. This did not happen.

Other reports included updates from BLM-Glenwood Springs Field Office, City Council Don Vanderhoof and Jean Martensen, law enforcement representatives, weather updates, coordination efforts, Red Cross, National Guard, Upper Agency Fire Management, planning meetings for the night crews and scheduled press conferences at the Courthouse.

CLOSURE OF THE COURTHOUSE – MONDAY, JUNE 10, 2002

The Commissioners met and determined that due to the smoke and continued dangers of the Coal Seam Fire that the Courthouse would not be open for business. The Emergency Management Team Call List was to be activated to notify those who work in the Courthouse of the closure. Business will resume as usual on Tuesday, June 11, 2002.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to call the meeting back to order on Tuesday at 9:00 A.M.; carried.

JUNE 10, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners was canceled due to the Coal Seam Fire. The Garfield County Courthouse was closed today and offices in Rifle were open for business as usual.

JUNE 10, 2002
MACK TEAM MEETING

A Continued EMERGENCY meeting was held on Monday, June 10, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Others present included; State Representative Gregg Rippey, County Manager Ed Green, Road and Bridge Assistant Director Marvin Stephens and Road and Bridge Director Tom Russell, Operations Dale Hancock, Building and Planning Mark Bean, Social Services Margaret Long, Assistant County Attorney Carolyn Dahlgren, Treasurer Georgia Chamberlain, County Attorney Don DeFord, Judge Tom Ossola, Judge Peter Craven, Sheriff Tom Dalessandri, Special Projects Ron Van Meter, Holly representing Senator Scott McInnis' office and Clerk and Recorder Mildred Alsdorf.

.BRIEFING

Members of the Mack Team met to provide updates, to identify problems, and to set priorities. I-70 – reopened with one going east only from 6 am until noon; westbound traffic was to be re-evaluated. By-Pass on Midland to 8th Street was planning to be open for regular business traffic on Tuesday, June 11. The jail evacuation was to be evaluated today. Sheriff Dalessandri and Judge Ossola working together on arrests. Security is under law enforcement. Sheriff Dalessandri reported on complaints mostly due to the lack of communication; rumors will be dealt with by having more updates that are public. Dale Hancock is arranging press conferences on a regular basis. Bill Kite is the designated Community Representative for law enforcement. FEMA has agreed to pay 75% of the cost incurred in fighting the fire. Judge Ossola notified Denver of the court closure and plans to hold full court on Tuesday, June 11. Plans are to open the Courthouse for business as usual unless there is another blow up of the fire. Temporary shelters provided by the Red Cross at the Spring Valley CMC campus. Financial arrangements will be the responsibility of Georgia and Mildred and cash will be available for entities not accepting credit cards. Current evacuations include Four Mile, Three Mile and Dry Park. These areas will have active patrol to prevent looting. Steve Denny will be doing a formal damage assessment and will work with Shannon Hurst and Georgia Chamberlain. A billboard is to be placed on the South steps of the Courthouse for information to the public.

RESPONSIBILITY DETERMINED

Sheriff Dalessandri requested a discussion to be held as to where the responsibility lies concerning the cost of the fire. Commissioner McCown clearly identified that most of the fire occurred on County land. The City of Glenwood took responsibility for the portion within the City limits. Tom mentioned that whether it is a County, City, State or Federal fire the fact of the matter is that the City is being impacted by it and they have a responsibility for it and need to be at the table with us. The closure of Glenwood Springs is not the call of the Sheriff included the evacuation of the hotels, etc. All of Grand Avenue included fast food restaurants and gas stations were closed. Don asked about the checkpoints and closures being manned by the National Guard and who was bearing the cost at this point. This was unclear as to who pays for what; the coordinators included Tom, Terry Wilson, and patrol. They are unarmed personnel and are limited to specific decisions. Security and patrol were emphasized again in the evacuated areas and it is to be a part of the public information releases.

Steve Denny mentioned doing a formal damage assessment and this would be the next step to do a comprehensive list of addresses, names, ownership of structures, value as the Assessor's function and suggested this would be an opportunity for the City and County to go together to see what amount the assessment component reveals. A good solid number needs to be arrived at in order for Steve to get this over to the State EOC. They are activated at the present time due to the Hymen fire threatening structures and a damage assessment that's open today on our mountain. Just for now, Steve said he didn't think they would hit a federal threshold in terms of the Stafford Act Declaration. We're probably going to be looking at a potential for Small Business Association Administration Declaration, which is only loans. When you get into the Stafford Act, Family, and Individual Grants, there are some fine lines about where we will go but first there is a need for a solid number to get into the Governor's consideration for a Statewide Disaster Declaration. Georgia and Shannon will work together on compiling this number. Steve said in addition to

the values they want to get a flavor for insurable costs, some State Farms personnel are already here and some assessments are currently going on. The insurable costs will be deducted from the overall impacts to the disaster. Steve wasn't absolute but said the federal threshold on the SBA Declaration is 40% of the fair market value pre-disaster. On the FEMA, he wasn't sure. State and local fire suppression or fire assistance management is managed by the State Forest Service; Terry Beason is currently on scene in town. SBA is a Declaration for small interest loans and can help commercial and individuals. Stafford Act Declaration that is typically a presidential or FEMA Declaration is individual and family grants and public assistance for communities for new infrastructure. We lost a repeater for a cell phone company, utilities can also be included. The Stafford Act is \$1.04 per capita locally and \$2. + for State and you have to meet both thresholds. You go a dollar amount per capita statewide and locally but that is with the subtraction of insurable costs. Commissioner McCown mentioned Holy Cross damage by the railroad tracks. A meeting with the Sheriff on the re-occupancy of Four Mile will be held at 11:30 AM with the Commissioners.

Chairman Martin called the meeting to order at 10:00 AM

FIRE BAN – EXTENDED TO INCLUDE THE USE OF FIREWORKS

In accordance with what Governor Owens declared on Monday, June 10, 2002, the Commissioners considered extending the Fire Ban in place to include the ban on the use of Fireworks in Garfield County. Don DeFord stated that this was an agenda item and saw no reason why the Commissioners could not proceed. Under the state law, the Board has no authority to prohibit the sale of fireworks but under the Ordinance, it must be a specific resolution adopting the ban on fireworks. This resolution before the Board will accomplish this goal.

A motion was made by Commissioner McCown to approve the amendment to the Resolution 2002-41 to include the use of fireworks in Garfield County.

Don called attention to page three, item number five because they are also reviewing the ban to get us back into a proper cycling, he would like to have it reviewed and requested July 8th as part of the motion.

Commissioner McCown included in his motion that a review or renewal will happen on July 8th during the County Attorney's time. Commissioner Stowe seconded. Motion carried.

Road and Bridge Water Trucks

Commissioner McCown clarified a concern of using the Road and Bridge Water Trucks. Don said he didn't see a problem.

A motion was made by Commissioner to continue this meeting until 9:00 AM on Tuesday, June 11, 2002. This did not receive a second.

Continued Discussion

Don asked if there were any more issues that were going to come up because he heard Tom mention a 10:00 A.M. Meeting. Commissioner Stowe said Tom wanted to have us get together at 11:30 AM. Commissioner McCown wondered where we were with the City, did the financial issue come up between the Sheriff and the City, or County Government and the City Government, as he wasn't aware this was going on. Don said the question he has and was raised by Carolyn, should his office be contacting the city legal department. Chairman Martin said yes. Commissioner Stowe said where the fire started it seems there is some responsibility there with the Coal Seam Fire. Commissioner McCown wanted to go broader than that, where does the ultimate responsibility for a fire of this size lie is that with the Sheriff's Department? Don said if it's a wildfire, yes if it's in the County yes, if it's in the municipality no. Commissioner McCown asked how much of this has burned in the municipal area, even the trailers that burned in West Glenwood, were County. Don agreed this was correct. Chairman Martin said there was not City damage. Don asked based on some of the rumors he's heard was there was damage to one of the car dealership and to the mall. This is all rumor. Commissioner McCown heard cars explored at the John Haines Dealership. Chairman Martin verified there were witnesses to that and reported those, but the actual explosion took place at the Robinhood trailer parks and there is no fire damage to anything within the City limits. Commissioner McCown requested clarification as to why we are being over critical of the City's involvement with this when it is all County active. Don – the entity we are leaving out of this is the Fire District and the Fire District goes beyond the City of Glenwood Springs and they do have responsibility for structure fires within their district that are in the unincorporated areas of the County. Commissioner McCown suggested addressing this properly. The City Council governs the Fire District but if it's not City Government and it's the Fire District we're having a problem with, let's address it with the Fire District. Ed – it was an enormous impact to the city residents. Commissioner McCown noted there are plenty of problems currently with the City of Glenwood and do not need to pouring salt on wounds that are bleeding.

Chairman Martin agreed. Commissioner McCown – there are others that are going to crop here in the very near future that will do that, is in fact the City the problem. Chairman Martin – only in a small portion because we are not communicating directly face to face, we had that established the last couple of days. Last night we lost everything including the contact with the City of Glenwood Springs. Again today they are running vans and people to the fire site which is outside the City limits simply because they are trying to cater to the public which again is impacting the Sheriff's office and also the County and our resources. We have to say, wait a minute, is this what we want to do and then sit down with the City and their public information officer and coordinate – this is all we are trying to do, we're not in a battle. Commissioner McCown – why are County residents going to the City and being shuttled in areas that have been evacuated? Don – some of the area closed, Oasis Creek which is a hot topic of discussion is a City area, but has been ordered for evacuation; don't know who's got that road under control if it's National Guard. In the City of West Glenwood, that area generally called West Glenwood the residential area is in the City; that's an evacuated area – the entity that should be in control is the City Police Department since they are the ones with law enforcement jurisdiction. John said it was a mutual cooperation with National Guard, Sheriff's office, other municipalities and police coordinating that as a multi-agency security unit. We are going to be expending funds as you heard on gasoline, food and housing, etc. so that it impacts the County yet we don't have any of that government information or participation so that we need to establish the participation as the county government with that agency. Don – in West Glenwood, that's all County but most of those people think of themselves as City residents even though they're not. Jesse said he was approached by four different people instantly as he stepped out to take a phone call telling him that the City has told them that if the County gives them a written permission, they will be allowed to go back into their area. These were referred to the Sheriff saying that no, at present you must be escorted on an emergency basis only. Apparently, the City is putting the word out that as far as they are concerned, the people can go back but it's up to the County and you need written permission. John said fuel on that argument is using the Community Corrections vans that are marked Garfield County, so those are some communication problems with both the City and the Incident Command on West Glenwood. Don – are we coordinating anything with the City? Ed – there is action to get a meeting together. John said the communication was severed as of yesterday afternoon when the fence came down. They took all information and all control and just dropped us – we're just recovering right now. It happened to the City too. Dale was to coordinate with the City and get the meeting together; it was Mark that is coordinating resources. John asked if the Commissioners wanted to just sit back and let the staff operate everything, or to get involved in certain areas to assist, or stay out to continue policy making. Larry, this should be our primary function. Walt, decisions need to be made continually. Larry – who is our technical support person? Jesse – she does not have a telephone due to installation delay and he will need to send a staff person to get her. She also hasn't received her cell phone yet. John – felt the Board should leave it up to the department heads on how they bring in their staff, etc. Larry – we hired an individual for this purpose and we're paying a contract person to come in and upgrade our web site at \$120 per hour. Dale – the Federal always signed a PIO to work with the Board and wish the Board would allow us to be a little more thoughtful on this media policy because if we get to “marching to Jesus” out there, we could screw up more than we could help. John agreed that's why everything has to be approved through Dale. Dale – it is not our show. John – you are running it backwards, information we are sending to you, goes to them, that information is cleared through Dale to go to them so it can be released. There is some local involvement that we can have contracts in our resource center that gives correct information to the public. Larry, Dale's concern is the press – they're doing it but they give Tom his moment of glory after that are done with local issues. Would they do that for you, Dale? Dale, if this is your interest in terms of having a public presence representing the Board's position on issues to speak with the media and answer those questions, and you want me to do that role, he'd be happen to do that. John, that's all we're asking. Dale, I need to insert that into their media plan that it is the pleasure of the Board to have that to be a regular part of the briefings. John – yes.

The discussion continued with: Ed Ware, John Kemp, Rick Davis, and Steve Lundin. Don was directed to proceed to speak with Teresa Williams and determine the dollars and who is responsible. The list will be given to Jesse Smith of the excess of 30-mile perimeter.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn until Tuesday at 9:00 A.M. June 11, 2002; motion carried.

Attest:

Chairman of the Board

JUNE 11, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

A continued EMERGENCY MEETING was held on Tuesday, June 11, 2002 at 9:00 A.M. with Chairman John Martin and Commissioner Walt Stowe present and Larry McCown via telephone. Also present were: County Manager Ed Green, Assistant County Manager Jesse Smith, Operations Dale Hancock, Assessor Shannon Hurst, Public Health Mary Meisner, Social Services Margaret Long, Road and Bridge Director Tom Russell and Assistant Road and Bridge Director Marvin Stephens, Human Resources Judy Osman, Sheriff Tom Dalessandri and County Clerk Mildred Alsdorf.

Governor Owens met with the Community and committed to State funding for 75% of the cost of the Fire from the Federal Emergency Management Agency.

STATUS MEETING

An informational meeting was held with respect to the Coal Seam Fire. Concern was addressed for public safety in a high wind situation. The evacuated families need to understand the risks and why they have not been released to return to their homes. The Commissioners felt this was something that Dale can release to the press. Dale suggested that it would help him if Chairman Martin would let City Councilman Rick Davis know that this is what we are going to do and if they want to do that as a City, and then they have the ability to do so as well. Chairman Martin wanted to make the point that we only have one spokes person for the County government and there's a different one for the Sheriff. However, we are directly communicating with the City and getting their information and plans and coordinating with them to either assist them or to acknowledge that is happening and direct our request or others to the appropriate person. He convinced Rick Davis to be the spokesperson because he is the only one there and Dale will stay in contact with him. John Kemp reported on the 180-degree change in the wind and the fire is doubling back onto areas previously burned. However, if a hot ember were to blow to an area that was not evacuated, there would be imminent danger. He wants to get back into his home as well as all the other evacuated residents. He understands the risk and qualified that the Courthouse could be hit by a flying hot ember the same as he could. He was not blaming the Commissioners but giving the community the politically correct answers in these meetings in front of the Courthouse, they don't need that. There's no danger over here now and we want back in their homes. Commissioner Stowe assured Mr. Kemp that the Sheriff was working on getting the people of West Glenwood back into their houses; it's up to the federal government right now as to whether we can get those residents back in or not. If they specify an area to evacuate, that is not the Commissioners call at this point. It became a federal issue last night when FEMA became involved. We are not addressing Red Mountain because the fire is just on the other side of the ridge. Red Mountain is in more danger than West Glenwood.

Bill Kite reviewed the casualty assessments saying there were no confirmed reports of missing persons until last night and that individual finally showed up. Mobilization is in effect and security on site. Communications – Dale reported things were going okay. FEMA is paying for all fire suppression. Jesse Smith requested a letter of recognition for Allan Hoffmeister with the Forest Service for putting up special bulletin boards and keeping them updated. Karen is to be given all names for recognition. Ed reported that the telephone trees were reported working great. Margaret and Mary reported on the shelters with public health working with the Red Cross. Mary said she had contacted Dr. Brokering, the Public Health Authority for Garfield County. Commissioner McCown suggested that an Incident Booklet to be used as a training tool was needed; this will be addressed in the Commissioners meeting. Mobile homes destroyed included two or three without insurance. SOS doesn't cover emergency food however, FEMA was working with the CMC food service – Tom Boas contact. Mutual Aid – Don and Chairman Martin will work with the City. Mark Bean was at the Resource Center and reported that he did get two vans, but probably only one is actually needed; this would free up a van to Community Corrections and free a Road and Bridge staff. Jim and Mary Nelson were volunteers at the Resource Center. Tom Dalessandri was putting the cost together getting Lois Hybarger directly involved with those requesting outside agency requirements. Tom Dalessandri reported there was still a need for the Road and Bridge water truck. Greg Rippey said he was working closely with the Governor's Office and suggested for the team to be thinking about anything needed back from the state and keeping them updated with the challenges at hand. He just came from the Red Cross and those people who lost their homes have been working with the Red Cross and don't have any place to go. She could go rent but the realtors haven't been able to find her a place. He will talk with the Realtor Board more extensively and cautioned not to lose sight of those people that may need on-going

assistance. He will be working with the State on this issue as well. Chairman Martin brought up another action item and that was, what happens after the fire and setting a plan in place everything from preparation for either debris flow, housing, re-vegetation program working with the feds or someone to proceed with taking care of erosion, water quality control, etc. Commissioner McCown recognized some other fire agencies in the western end of the County who have been working Steve Denny in identifying gas wells that are active that could create some major problems. This isn't the only fire in Garfield County. Shannon Hurst reported the damage assessment was at \$4.5 million. Commissioner McCown inquired if the agenda items could be incorporated into the June 17th meeting not including those that will require noticing.

RETURN OF THE INMATES TO THE GARFIELD COUNTY JAIL

Dan Hall reported on the re-occupancy of the inmates to the jail. RFTA buses were used along with 10 National guards assisting. The Board requested to be advised when the process was completed.

CONSENT AGENDA

- a) Approve Bills – take from the Agenda
- b) Sign 2002-2003 Public Health Nursing Contract
- c) Renewal of Liquor License – the Guzzler
- d) Renewal of Liquor License – Red Rock Diner
- e) Renewal of Liquor License – Aspen Glen Club
- f) Renewal of Liquor License – Kum & Go in Parachute
- g) Sign the Resolution of Approval and Plat for the Rippy Subdivision Exemption
- h) Sign a Partial Release of Subdivision Improvements Agreement for the Stirling Ranch PUD Subdivision

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - h; carried.

SCHEDULE OF MEETINGS

June 11, 2002 at 10 A.M., the Governor will do his press release.

June 11, 2002 – 6:00 A.M. Meeting for the overview of the fire and a status report and that information will be available at the 8:00 A.M. news release. Dale also announced news releases were schedule at 12:00 P.M. and 4:00 P.M.

Employees Not Working Related to June 10, 2002

Shannon Hurst said in reference to the employees and from her understanding she asked if this was going to be discussing. Commissioner Stowe said it stands as is for Monday, June 10 but there will additional discussion regarding the future. Shannon addressed the staff perspective of having to use their PDO when the County said they didn't have to come to work. She said they would probably want to count this as a holiday. If they cannot come to work, they do not want to use their PDO. Don DeFord responded that the language comes directly out of the Personnel Policy and this was discussed some time ago in the Personnel Meeting and with the Board.

Margaret said she told her staff they could work 4 – 10 hour days this week and if they get their 40 hours in it would not be a problem since they are behind on work. Tom Dalessandri asked about how the County employees that didn't work their regular jobs but participated in other functions would be treated. Jesse mentioned these would be paid time and a half if they were non-exempt. Chairman Martin said this is an item that will also be discussed in the future. It is possible for those employees who volunteered in other areas such as the Resource Center may have to be reviewed individually with the Department Heads, etc. Commissioner McCown said this was part of his earlier discussion on tracking the cost of this fire. This is an additional cost incurred by the County that was driven by this fire activity and that needs to be paid. Don said if the Board needs any action now and between the next meeting on the Disaster Declaration will that be a called special meeting,

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess in case there is a need to meet regarding the Declaration of Local Disaster; carried.

Attest:

Chairman of the Board

JUNE 14, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Chairman Martin called the meeting to order.

CONTINUE THE DECLARATION OF LOCAL DISASTER – GARFIELD COUNTY

Mike Piffer, Chief of the Rural Fire District and the Glenwood Springs was present.

Chairman Martin inquired as to whether Chief Piffer and his team were able to take over the fire or does he feel their resources are stretched beyond capability.

Chief Piffer said they are quite stressed beyond their capabilities at this point in time. There is no way the local authorities can take over the fire at this time.

Chairman Martin said the Sheriff has also reiterated that his troops are stretched way beyond their capability of handling the wildfire and recommends that the Board continue this under the facts they set forth in our Resolution dated June 8, 2002.

Don DeFord said the Board also has knowledge that the office of Emergency Management previously has requested that you continue this ban for at least a seven (7) day period.

Chairman Martin – that is through Steve Denny, State of Colorado.

Don said, of this issue again he would ask that the Chair be authorized to sign a Resolution continuing the Declaration of Local Disaster relative to the Coal Seam Fire.

Commissioner Stowe so moved; Commission McCown seconded. Motion carried.

ASSESSOR – PRESS RELEASE

Chairman Martin - Assessor Shannon Hurst has issued a press release that gives the assessment of twenty-four (24) residences destroyed, two (2) duplexes, and three (3) secondary residences for a total of twenty-nine (29) properties that have been either destroyed or damaged. This is an official release and part of the record. He requested that Mildred keep track of the records and make a file.

EXECUTIVE ORDER FROM GOVERNOR OWENS – STATE WIDE BAN ON OPEN FIRES AND ALSO ON THE USE AND SALE OF FIREWORKS

Chief Piffer, Sheriff Tom Dalessandri and Bill Kite from Incident Command were present.

Don said this was a related item and issued copies to the Board of an Executive Order from the Governor for a Statewide ban on open fires and also on the use and sale of fireworks. He also received from the District Attorney Mac Myers directions from the Attorney General's Office to local law enforcement including the District Attorney on the method on which the ban on the sale and use of fireworks should be enforced. These are in place now, that includes both the sale, and use of fireworks are prohibited and made unlawful pursuant to this executive order. In addition, this will remain in place as long as the executive order remains in place. Should the governor decide to rescind all or any part of this executive order, Garfield County we will still have our fire ban in place? It does not affect the sale of fireworks but does prohibit the use of fireworks. And also, as a general proposition, bans open fires in the same manner that the executive orders does although there's more detail in the County's fire ban. Commissioner McCown said that even if it is redundant, he didn't see any reason to withdraw our order; this runs parallel with the Governor's Executive Order. Don confirmed this and ours stay in place even if the Governor's doesn't. Don reiterated with Chief Piffer that the County Fire Ban affects the unincorporated area of the County and we would anticipate that Glenwood would take whatever action is appropriate. Chairman Martin asked Sheriff Dalessandri to state for the record that your agency is unable to take over the fire using your resources and still request assistance. Tom stated that this fire still exceeds our resource capabilities. Don gave Tom a copy of the executive order and the information he had received from the District Attorney's Office communication from the Attorney General's Office regarding fireworks and the enforcement on the prohibition and use of fireworks. The Board has been advised on that and John provided the update that was provided to the press regarding the Assessor's evaluation. Chairman Martin informed Commissioner McCown that on the damage is over five million dollars, (\$5,000,000) to property and land damages. Commissioner McCown recognized that the estimate was four and one-half to five (\$4,500,000 to \$5,000,000). Chairman Martin confirmed it was (\$5,465,780).

Don asked the Sheriff if he had anything else on the Coal Seam Fire. Sheriff Dalessandri said he just called a meeting this morning of experts from the Forest Service, State Forester and we have been talking about the residual impacts of the Coal Seam Fire, particularly the most concerning to all is the Mitchell Creek area. We feel, first, the Forest Service is calling in another expert that should arrive here Monday to do an analysis on Mitchell Creek in terms of flood and debris flow possibilities. There are a number of areas are likely to be affected by flood and debris flow. Mitchell Creek is the most serious because of the residential

impacts. We have checked this out with a group of people from the Forest Service and what have you, we have the making of another disaster should we experience a heavy rain. Some things have to be done immediately in terms of some immediate mitigation in Mitchell Creek. We're planning at this point, a community meeting probably sometime next week to discuss the impacts. We are obviously going to need to keep evacuation centers available to use through the Red Cross. We need to bring into the loop all emergency resources including the fire departments, our search and rescue teams, FEMA needs to also be in this loop. South Canyon is a problem as well as our MOC and Community Center. Oasis Creek doesn't seem to be as concerning based on what everyone's experienced in terms of the burn out in that area. But Mitchell Creek has the makings of a real disaster. Don - Tom just based on the experience his office subsequent to the Storm King Fire; you might want to see if the Forest Service will involve whatever resources with the Successor to the Soil Conservancy District because they were involved in some rehabilitation efforts then. Tom said they have already called in the BAER Team, which is the long-term vegetation team, but their role is really one, when you say immediate or short-term, we're talking weeks. Long term would obviously be years. What Tom said he was talking about was days. If we have an unusual event that occurs in the next couple of weeks with thunderstorms that dumps a ton or rain on us, we will have, and everyone in the room agreed, a catastrophic event. We're going out at 10:30 AM to evaluate the creek with hydrologists and some of the other people. The likelihood of what may occur there will be because of the snags and debris that is already in the creek, some of the mitigation that's been done by the residences in terms of landscaping and what have you and the volumes of things that will come down into the creek along with the water flow is likely to cause jams and dams that will break, water volume that will come down and fan out into the community; culverts that will dam up and impact flow and likely take out the Fish Hatchery will not handle that impact. Residents will be significantly impacted, if not destroyed. This is not a severe scenario that is just the moderate scenario. Chairman Martin asked Tom, in his scenario how does he use the County Road and Bridge as well as the City of Glenwood Springs Maintenance Facility, those personnel to also be included in the team for mitigation. Tom said when we start actually talking about resources to mitigate, we will start bringing those in, right now we're still doing an analysis of what we are basically calling a "what if analysis". Chairman Martin suggested giving them a heads-up that they maybe included in resources and give them time enough to go ahead and develop those resources, letting them know that presently you're doing an analysis and there may be items needed. Sheriff Dalessandri said one of the things we talked about this morning was the need for a crew to go in and remove some of the fallen debris. The hydrologist wants to be careful about what is removed because we don't want to open that up so the speed of the water would actually increase either. But, we all don't want to create a damage situation so everyone agreed that the types of crews we have working on the fire would not be suitable for that removal, that likely it's going to have to be some heavy equipment that will have to secure both those falls and remove them with heavy equipment as they cut them up – that's going to probably require a contract service. Bill Kite, Community Liaison with the team in the community said we have some fallen crews that are going to go up and take the immediate hazard of trees falling on citizens. I've been concerned about that and Collin and Stan were up with some insurance man and he suggested some he'd like to have cut, so we have to have a special team to go out and do that because they have to know what they are doing with those big trees. Operations have covered that this morning. What happens is that it takes a couple of days for some of these things to kick in and so people that are upset because we didn't there immediately, we're working on that. Sheriff Dalessandri said to status the first meeting was solely for the purposes of identifying whether we truly have a problem. We're going to be getting everyone in the loop, all of the resources and response agencies in the loop since this small group of experts that all agree that we do have a problem. Chairman Martin – I also see one along the south where the narrow part is in the canyon because it did burn on both sides and that's a real issue to the C-DOT folks as well as to the railroad. Tom said what will likely happen is this, the expert from California for the Forest Service is coming in on Monday and he will do a fall analysis much of what happened when we had Storm King and we had the charted maps with debris flow and how they would fan out and how much area they would cover, etc. I am speculating that he will do the same thing. One more thing in reference back to what has happened with this fire, one of the Forest Service guys put his hand on the map and he said this was Storm King, it filled up the palm of his hand, then he put his hand up on what is the burned out area of Mitchell Creek and Flat Tops and it was equivalent of about four (4) hands. Therefore, what we're dealing with is a potential event three or four times larger than Storm King ever was in terms of debris issues and watershed issues. That gives you a perspective of what we're dealing with here. Bill Kite – we can figure out, after this expert comes in, and let you know as to what he thinks about the community meeting. Tom said they

are planning that community meeting for the middle of next week right now and even before that we want to make sure we only have one shot at this and we know that some residences are going to be critical of this assessment, other are going to be angry about it – their houses have been saved and now we're turning around and telling them they are at risk again and they don't want to hear that – so we want to be credible right out of the box and have the resources to deal and help people face what they will have to deal with in an event. Chairman Martin asked if we can secure some survey of the water source for the City of Glenwood Springs off Grizzly and Oasis Creek; they do have backup in the Roaring Fork but we still need to have that assessed as well. Bill Kite added and the No Name drainage because obviously there are hydrants tied into that pump house and certain things that could be. Tom said this is only the beginning; we have many people getting involved here. The next question is that FEMA is going to attend this meeting this afternoon so we can ask them questions about all systems. Bill Kite said they just need to know that the Sheriff is handling this right up front. Don asked Tom, if they look at all areas including Red Mountain and not just Mitchell Creek. Tom said every area and one of the things they talked about in relation to South Canyon was to work with the City on the discussion about how much hazardous materials that we have in the debris flow route. The north facing slopes all the way around have been burned and if the experts from the Forest Service determine that this is a debris flow route down to Canyon Creek, then we have the potential of sewage and everything else that's been composed out there, if it is in fact in a debris flow route. Mike Piffer said methane chlorine gas cylinders, strategically located in areas. Tom – those are more issues. Chairman Martin said we were also looking at, if it's on fire, the assessment of the landfill itself, does the Health Department need to get involved in any other way or is there anything we need to be concerned about from spillage or runoff. Mike Piffer said we had no damage in that area. Chairman Martin wanted to make sure the public was aware of that and whatever takes place to give the Board an update on the landfill. Bill Kite said the Commissioners might be aware that we had someone report to the Forest Service that he was extremely concerned about fire safety because of the breach of the vehicle that went into the south end and he thinks there is hazardous material up there and he was creating an alarm that a lot of people do, claimed to be a fire fighter, of course they didn't get his name like I hoped they would have so I could have talked to him, but I did pass it onto the IC, so as long as that team is here, let them handle political fight if that starts to be a rumor that files into the community. I tried to seal that one and it didn't work. There is no hazardous material up there, so when those kinds of things try to come up, my job is really to grab and kill those rumors before they come out to the community so I'm trying to do that. Chairman Martin said if we have rumors we need to get them right to Bill and his cell phone is posted and he can deal with those – he's our rumor killer and he's already had quite a few to kill. Tom said money and resources are, let's get it on the table here, I don't know who's going to pay for what, but I'll you right now that the Sheriff's Office cannot sustain a continued state of alert and fight fires and everything else that's going to happen this summer with the resources we have and I don't even have a request or an idea of what that means right now but the County needs to know that we are in the soup on this thing and I think we need a legal representative and obviously you guys need your legal representative, I'm going to bring Barbara Case King in to work with you from the Sheriff's side of it, if you don't mind. Chairman Martin said it's already going Tom. Tom said okay because I can tell you that we are taxed to the maximum right now and if we have to sustain a heightened state of emergency alert for, or mud slides and evacuations and we continue to have fires, we are more than exceeding out resources and we can't sustain this for extended periods of time. Chairman Martin said, and the financial team is working together with FEMA as well as, and I think we're expecting some stuff from you in reference to this fire going on, but if you'll forward those predictions as well and in some manner that financial team will be able to work with that and communicate with the Board here as well as legal staff so we can make decisions in reference to that Monday. Tom said one of the things that might come up right away is the need for contract removal for some of that debris from the creek as supervised by the Forest Service. Don asked Tom if he needed this before Monday. Tom said they might need it this afternoon. Don asked if this was going to be a County contract, was it in the City or what will we are doing. Chairman Martin said it would be the County and direct from the fire itself and maybe we need to get with Mr. Gleason in reference to FEMA and might be able to cover that as well. We need to sit down with him and he's talked to the financial team, so let's go ahead and call him in and say this is direct cause, direct expense because of the fire, and it may or may not qualify but let's make sure. Mike - Do you want to do that now while the fire is going on? Chairman Martin said absolutely. Tom said FEMA has been in the loop with the State Forester as well as the Governor since this incident with the fire scene has been going on. Now the Governor has put in \$10,000,000. All agreed that the Hyman Fire has pretty much taken all of that money. Bill Kite stated how much he appreciates the

community working with each other and use, it really helps. Chairman Martin said it really help that Mr. Hart put you on that team to make sure because you have a few roots here as well connections and Bill we appreciate you're being there because you've relieved the frustration on our part because having a community officer so that we can deal with directives. Bill said he would continue to ask the Board to help me out. Tom said as another note of update here on the Long Canyon Fire which is the one in Western Garfield County, keeping in mind that is a federal fire - 1,407 acres, 30% containment, active areas on the Long Canyon Fire southeast and southwest corners, have lift cranes, helicopters, now to-date the cost of the is at \$77,400. Don confirmed that this was all on federal ground right now. Tom said here is some private property in that area but have not had time to assess it and don't know if those private parcels are impacted by the fire or not, we have allowed residents to come back to their homes in the area of the fire and it the Type Two overhead team is starting to talk to people about other fires this morning. Chairman Martin asked if we have a representative in either Mesa County Loma or Mack that the Sheriff is communicating through in reference with this fire. Tom said Kimberly Parker and their county emergency managers. Meeting – 3:30 P.M. and Dale is invited as the County Information Officer. Tom reiterated that at this point, they are just getting everything together to coordinate and see if we really have a problem. Bill Kite asked that if in the future if you hear about anyone that is disgruntled or mentions, and may not be disgruntled, but not put in on the thank yours in the paper this morning, he worked with Ron until 6:00 P.M. last night to put that together and we want to make sure they get recognized and has some people in the City, Mike Copp; the federals had people and are working to put all this list altogether and Bill said he will pick it up this afternoon. Chairman Martin mentioned that Karen Mulhall, administrative secretary/receptionist would be the point person.

OTHER ITEMS NOT ON THE AGENDA

COURTHOUSE/CITY COMMONS AREA – IGA

Don said he has given Mildred the originals on a contract that has already been discussed with the Board with the amendments on the IGA with the City on the Commons Area; I think the chair's already been authorized to sign. Mildred confirmed this was true according to the Minutes. Don said unless there is a dispute on this, he would ask John to go ahead and sign and we will get the City their money. Commissioner McCown said as long as Don has reviewed it and you have already been authorized to sign it, that he did not have a problem. Don confirmed there were no changes from the draft. Don said in terms of what the Sheriff is talking about if he wants to go forward, if the County has to sign some type of a contract, we would have to do it on Monday. Commissioner McCown said he does have a question adding he doesn't see the need at this point for Barbara Case King, I still see us operating as a County and don't know why, and in this case Don cannot still represent the Sheriff. Don agreed and this is the first time he's heard about it and added he thinks it was because of his liability. Commissioner McCown said it hasn't reached that point that liability clearly exists to the County. Chairman Martin agreed. Don said the Sheriff's liability is the County's liability at this point. Commissioner McCown said the Sheriff is not isolated in any way from a liability standpoint. Don added that the Sheriff's liability is remote. Commissioner McCown said his is, ours is not. Chairman Martin added unless Tom knows something we don't at this present time and he wants to consult with his private attorney. Commissioner McCown said there is a difference with a private attorney and bringing that attorney on, resources are limited according to what he's telling us and now we're paying a separate attorney. Don said we probably should discuss it with him Monday and ask him to articulate the reasons why he has to have separate counsel at this point because I don't perceive a conflict here. Commissioner McCown agreed with Don.

Recess

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess this meeting until Monday or come back into order upon notice of the Chair. Motion carried.

Attest:

Chairman of the Board

JUNE 17, 2002

**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 17, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

State Fish and Game – Division of Wildlife came before the Board to say thank you and advise the Board they are finished with the Westbank Boat Ramp that they directed the Road and Bridge folks to work on. Without the assistance of the Road and Bridge Department, they could not have done the improvements. The comments they have had so far including the neighbors and the landowners they worked with to make this happen have all been positive. There are no other issues at the present time. They have provided safety with off-road parking.

COUNTY MANAGER UPDATE – ED GREEN

▪ ***Rent Relief Request from Rifle Lift-Up – Janelle Weilder***

Richard Alary and Janelle Weilder submitted information to the Board regarding the request from Rifle Lift-Up. The lease escalated from \$1,000 to around \$5,000 per year. Janelle requested to have the lease rent reduced to the former amount. Commissioner McCown said this is a heads-up to look for another place because the long-range plan is to level that building for expansion of the Courts. Janelle stated they were working at finding another place. Ed mentioned we have set the rent and then we establish a grant from the Commissioners. This is handled on a quarterly basis. This establishes a fair market price for the property. Ed said the first option would be to level the Rifle Road and Bridge Shop. It is undermined if the Road and Bridge Rifle Facility could be used for another use once the Airport Facility for Road and Bridge is completed.

Commissioner McCown assured Janelle that it would be at least six months before they would do anything. The Commissioners tabled this until July 1, 2002 for a decision.

Don DeFord explained the manner, in which they handled the rent reduction for Garfield Legal Services, was to change their scope of services in their Human Services Grant and also changed their rent so that there was a balance and it off-set the rent. He requested direction to the staff during an Executive Session in order to prepare something for the July 1 meeting.

▪ ***Draft Letter Re: Red Feather Ridge Subdivision – Mark Bean***

Mark submitted the draft letter that addressed the issues the Board had mentioned on June 3.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the letter and forward it to the City. Motion carried.

▪ ***Presentation of Roads Scholar Plaques to JD Frantz and Marvin Kramer***

Tom Russell presented the plaques to JD Frantz and Marvin Kramer and commented on the effort that these two individuals put into the program to earn the award.

▪ ***Road and Bridge New Procedure for Overweight Permits – Tom Russell***

Tom provided an overview of the overweight permitting procedure that would begin on January 1, 2003. There was a workshop held with Commissioner McCown, Ed Green and Tom. As you know the current overweight permit system was not working for truckers, and it's not working for the Road and Bridge of the County. This is a system we need to change and we need to look at some suggestions that came out of the workshop. One was to just them an oversize permit for any vehicle over 80,000 pounds. We also looked at reducing all the restricted roads and just reducing the roads as on all State-legal roads and just continue to use our road system unless they are over the 80,000 pounds limit. The annual permit fee would be around \$1,000 which would be a decent fee and allow them to travel our roads. We would also have the wider fee for the one-time single user if he's over the 80,000 pounds. For the most part, most of our light users are under the 80,000 pounds. We looked out pulling the bonding out and going with the insurance and still maintaining the over-width permit for roads for roads over twelve foot wide and pretty much matching the C-DOT's requirements – it makes it less confusing for everyone. What we want to do is to get with the legal department, find out what we need to do as there will be some posting to take place we'd like to start this January 1, 2003. We will still have our frost law in place and if we had a road that experienced damage, we would shut that road down to heavy traffic, we would still have those controls in place and it

would make it easier for everyone getting permits. Tom asked the Board if the Commissioners would allow him to get with legal and get a draft form of this and bring it back. Commissioner Stowe asked in the workshop if they had several independent truckers involved. Tom, no we didn't but probably during the public hearing process would be the best. We needed to figure out what we needed to do internally and then present it to the public. We do need to have the truckers involved in this decision, not only the big trucking Commissioner McCown requested clarity on the over-width, wasn't it over twelve foot that it required a pilot car and over 8'6" they had to have the permit. Tom said that was correct. 8'6" for the permit and 14'2" two pilot cars. This mirrors the State. Commissioner McCown said he was involved in this along with Marvin, Tom, Jake and Ed and what we were seeing is that we had roads where a significantly lower weight limits than our interstate system allows. We were issuing permits so that vehicles could run on these roads, well the fees generated from the permits was not a significant enough amount to in any way defray the impact that may have been caused to that road. And what it was doing was creating a tremendous hardship on the flow of trucks trying to service areas in Garfield County all the way down to the people wanted to haul a load of cattle. They could not make the weight restrictions. So what we tried to do was to come up with something that was unified with the State regulations so that wasn't hampered, however, if they haul heavier loads than that, it's just like the State, they're going to have to have a permit when they come off the interstate system to run on our roads. The uniformity, the enforcement side of it for C-DOT is going to be far simpler than not being sure which weight road they were on today when they were doing a spot check. It should flow a lot smoother. Ed – Larry's right in the aggregate, our permit revenues are about \$111,000.00 and there's not much you can do with that. Tom – this also should stop a lot of confusion, we have roads now where they have to stop and get the permit to come back on. They will get with legal and we'll start drawing up some stuff with the Resolution, setting a public hearing, etc. Commissioner Stowe asked if agricultural is exempt from that. When they are over 14' wide they need ... Commissioner McCown – agricultural equipment, but licensed vehicles are not. A columbine, a swathe – that's exempt because it's agricultural equipment, but if they haul it on a truck it's not. Same is true with snowplowing equipment.

Sale of Police Cars to Town of New Castle – Tom Russell

This year motor pool purchased some vehicles for the Sheriff's Department. Tom was contacted by the Town of New Castle about the purchase of 2 -1998 S10 Blazers. They have the police packages on them and these are at the end of their life for Garfield County. Tom checked the blue book price but this doesn't take into account that these were police vehicles, the price was \$7200. Tom explained the price but New Castle put in a bid of \$2500 each for the vehicle. Commissioner Stowe determined that the accessory package virtually goes by the wayside as we don't have any place to use them. Commissioner McCown thought the light bar equipment was adjustable to fit other vehicles, and if they are not, then we need to change our purchasing policy so that they will interchange. It is a waste to see a \$6,000 light bar go away just because it won't fit on another vehicle. Chairman Martin agreed. Tim said that at an auction we could probably get \$3-4 thousand each for these vehicles plus we would be paying for the service. Tim said the light bars that we have are not interchangeable. Tom agreed it was an issue to work on.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to

Sell the two Blazers, Titles No. 602 and 604 for \$2500 each to the Town of New Castle. Motion carried.

- ***Award Contract to GMCO, LLC. for Seal Coating Various County Roads at a Total Cost of \$332,397.97 – Tom Russell and Tim Arnett***

Tom Russell, Bill Nelson from Battlement Mesa Service Association, and Jim Terry from GMCO were present. Tom and Tim submitted a review of the roads to be included in this project. These bids were sent out and GMCO and Harry's Heavy Haulers submitted bids. GMCO was the low bid; Tom added he had a list of the road the Seal Coating was going on. Bill Nelson, President of the Battlement Mesa Association was present. Tom said they are using some of the small chips and some of the larger chips as well. Jim Terry, a representative from GMCO was present to discuss the Battlement Mesa. Jim said there are some sections on the intersections that they are keeping a close eye on in Battlement Mesa. It seems the biggest problem, but is being eliminated, is the intersections like the ones that loop around the others. The chips we are still seeing in the gutters are due to plowing. No matter how low you go, you're still going to get some chips that are dislodged from the asphalt surface. The visibility mode, the black chips found in the curb and gutter acts just which it would on a graveled road. Chairman Martin said it was too big of chips and it's just limited the bicycling and everything else there. Commissioner McCown felt this was a choice we can make but clearly the ¾" chips give you road more life. Tom said this was due to the structural strength of the ¾' chip as well as the skid resistance in the wintertime. This is why they put this gravel in there. It does slow

down any roller blades or bikes; it is rough on those types of application. Commissioner McCown said our County roads were not designed to roller blade on, they are there for vehicular traffic; they do have trails that kikes and roller blades are to be utilized on and sorry a ¾" chip will last longer usually a 10 year period. If you want to do a 3/8" you better plan on doing it again in 5 years. Jim commented that the longevity of a ¾" gravel is not doubted. Commissioner Stowe – will the chip and seal was put on Battlement originally, we didn't have adequate brooming. When he was up there, there were gutters full of rock, windshields being broke and people being hit along side of the road. He understands the necessity now if we get more longevity out of the ¾" rock in doing in some of our County Roads, but I guess the brooming and stuff needs to be a little timelier. Jim said we did start brooming within three days; this was contracted out of Denver and ended up using two different brooming companies on this frontage road. Commissioner McCown inquired if any of the area in Battlement Mesa that we had the problems with, was it due to the oil failure at all. Was any of that part of our oil failure problem that we had, and that is being mediated by the company that sells the oil, but they sell it to you and Harry's Heavy Haulers and everyone else, so that's irrelevant. Was it because the oil did not bond to the aggregate as well. Jim couldn't honestly say. But did you put 3-10? Tom – yes. Jim – All that Bill is saying is that their may have been problems with the emulsified agent. Commissioner McCown – those of us who have seen it in the past would rapidly agree. Jim added that in doing it so late in the year was definitely an added factor, it's just like any other material or glue, it just needs time to cure, you need a lot of traffic on it to really embed the stone into the emulsion. The weather was nice when we applied it, it was in the 60's and 70's but October is when we got some snow. Commissioner McCown – when we need to chip seal in areas in towns that have curbs and gutter, assuming you do the streets sweeper that actually picks up the material and not just broom it to the edges. Bill said we had street sweepers and brooms, but the problem was at the end it was almost October and we were in too much of a rush and we didn't take the time to go back and move the material off the sides. Chairman Martin – reiterated that there was a very few people that came forward and said it was acceptable and that the material was too big and it was noisy and an unacceptable type of a spec. We'll have to weight that. Commissioner McCown – back to my initial comment, that's the call that this Board gets to make, if we want appease the people and put a 3/8" chip or a fog seal on our roads that makes for good roller blading and then spend their hard-earned tax money in a couple of years doing it again, we can do that. But we're not just spending theirs; we're spending everybody's in the County's. Commissioner Stowe – the roads you've identified on this new contract to be ¾" are those high residential areas. Bill – all of Battlement Mesa this year is 3/8". Commissioner Stowe confirmed this was in the budget for this year. Commissioner McCown said he was unclear and asked initially about the additional gravel that's being applied, but the two projects, CR 252 and CR 300 it says they are different due to the gravel but yet they don't appear on the initial list to advise the Board how much they are different. Tom – on CR 252 the chip seal price came in \$47,000; we have \$60,000 budgeted for that. Out of that \$60,000 we're going to have to put gravel on, we listed that as a project, so it's going to be gravel plus chip seal. This gives us roughly \$20,000 to spend on gravel. The same thing on CR 300, we have \$12,000 for chip seal and the other \$17,000 is going to be for gravel. Commissioner McCown – still the \$47,000 and the \$12,000 is included in the \$332,397.97 and if we don't have the money to put the gravel on, the \$59,000 won't happen. Tom agreed but said we do have the money to put the gravel on and another item to let the Board know, we will have another road we're going to piggy back onto the chip seal that's not on this chip seal list, it's another project that we have – it would be the Catherine's Store road CR 100– we didn't have all our analysis done before we put it out for bid. We did take care of pot holes and while we were looking at it, we looked at an overlay versus a patch and chip seal job and the dollars are there. This was from Hwy 82 going up on the north side. Commissioner McCown – what about retainage on the payment, how are we working retainage to guarantee these chips get picked up properly? Tom – we don't usually pay until they get picked up, and this is in the contract. Don – it should be the same 10% to 50%, nothing thereafter to end up with a 5% at the end, that's the State construction retainage. Bill said Battlement Mesa is going to broom out the curb and gutter, go ahead and the first of July do the whole project, the chip seal to 3/8". A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the contract to GMCO, LLC for Seal Coating in the sum of \$332,397.97; motion carried.

- ***Award Bid to Ace Roofing for Replacing the Asphalt Shingles and Gutters in the amount of \$10,526.00 – District Court Building in Rifle – Richard Alary and Tim Arnett***

Commissioner Stowe stepped down due to a conflict of interest.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair, to award the bid to Ace Roofing for replacing the asphalt singles and gutters in the amount of \$10,526.00 for the District Court Building in Rifle. Motion carried.

- ***Equipment Requirements for the Airport Road and Bridge Facility.***

Ed gave the report stating that Tim went out to bid; Marvin, Tom, Tim and Ed reviewed and pared down the equipment. They submitted a detailed review of these items and bids were submitted. He explained the analysis procedure of all costs and savings for the equipment. 11 – pieces for \$57,000 but translates into \$30,000 with the savings included. The list submitted was their recommended list and felt it was the best business decision to offer at this time. Commissioner McCown said he would like to review this since he was just handed out to the Board and would suggest tabling this until July 1, 2002.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to table this until July 1, 2002. Ed mentioned the only piece of equipment that might fall off the table was the forklift and we might have to go out and search for another - this was a used piece of equipment and was available for a limited amount of time.

Discussion was held regarding a service truck. Commissioner McCown suggested they look for a service, i.e. loop-truck combination so that maintenance can be performed in the field looking at the price of some of these tire changers, that if the Board approves the submitted list of equipment, he didn't want to see another bill from Down Valley Tire.

He stated he would not authorize payment of any more bills from them. Discussion also included the potential in the future of a service lube truck as well. Motion carried.

- ***Asbestos - Roof – Mountain View Building***

Tim Arnett reported on the Asbestos saying they will not have to abate it.

- ***District Courts – Additional Space***

Ed Green said a few weeks ago they met with representatives from the District Courts and their architect to explore the future needs as it relates as it relates to this facility. Judge Ossola followed up with a letter to Ed and Dale Hancock and Richard Alary described the modifications and how this will fit into future plans. Commissioner McCown noted this information was not included in the packet of information for this meeting. Dale explained that the Courts developed plans in two phases. The majority of the Phase I amounts to the Courts occupying Room 300, with the only requirement in that being the requirement of a door to separate the Courts functions from the District Attorney functions which will subsequently will lodged where the County Attorney is now located. That appears to be minor at this time. The letter from Judge Ossola was presented to the Commissioners to read at their leisure. Commissioner Stowe asked what was the expediency and necessity of having the Courts up here, other than they would like more space. Are they using the courtrooms now to capacity? Ed responded that in Phase I, they just want to use offices. Dale –Phase II they do want this space for a courtroom. Chairman Martin – we requested a review and also the percentage of use of the facilities upstairs, courtrooms, etc. how long ago and I haven't seen a report back. Again, we need to reiterate that before with a new courtroom and all the facilities backing up the courtroom. I think we need to see exactly what the usage is upstairs because there's one courtroom that's use very seldom. And I just don't see us building a fifth (5th) courtroom when we have several courtrooms that are not being used full-time. Commissioner Stowe – they've got a lot of offices that are obviously are not going to be convenient for them to go downstairs for their courtroom. Ed – Judge Ossola wants specialty courtrooms and he sees the opportunity here because we have the dividers already here in this room. What he wants is smaller rooms in order to deal with juvenile issues etc., ones that are not in a formal court setting. Dale read directly from the request here. The County will convert the hearing room into a multi-purpose courtroom with bench and witness box. The elevator will be re-configured by the County to stop on the third (3rd) floor to be used for a juvenile transport. The area next to the elevator may be used by the Sheriff for a juvenile holding facility, and the planning area will be re-configured by the County to accommodate the attorney-client counsel room and juvenile probation officers. That's the major shots; all of this is in Phase II. Particular, Richard did an overview of the elevator issue and that's not quite as cheap. You would actually have to cut a physical hole in the wall, install the outside doors and frame, additional controllers on the roof, and there's a lot that goes into it. Dale – this is about \$30,000 for the elevator. Mildred - if you approve it. The whole thing is when I look at the space over across in the Courthouse Plaza; it's not going to work for me. Chairman Martin – it's not going to work for you at all and the transfer of equipment, etc. and that's why I say this needs to remain multi-purpose and not just a courtroom, or just for courts with a bench and everything else. We have too many usages other than the courts and we have four (4) courtrooms already. And yes, we need to do some office rearranging but I think

we need to go a little slower. Commissioner Stowe – I would like an analysis of some sort done by ourselves or independent staff of whoever as to what their current needs are and make sure that if we are going to pay the re-configure the offices, let's pay it once and not pay it this year and three years from now. Commissioner Stowe – as far as this room is concerned right now it needs to stay as a multi-purpose room for the County. If the courts may want to use this for conferencing that could probably be arranged on a sign-in basis, maybe two days a week they get it for conferencing. But I would really be hesitant to revamp this room because of the election needs on a year-to-year basis, and because of the needs of the County. We may want to have an indoor lunch up here – Employee Appreciation of something. Richard – you're not going to have enough room over there and there's an issue with building security as well. Commissioner Stowe – we're not going to have the flexibility over there that we have here. Dale – well, there's a new issue that we just recently went through on Friday as it pertains to building security across the street and Richard just makes a real good point about that. We haven't ironed out all the access issues on that building and at least we know what they are on this building as far as night meetings and being to come in and come out. With the security systems we have other there; we don't have a handle on that yet. Commissioner McCown – I agree and you're singing to the choir, but I'm not sure the Judge is going to be very sympatric to the fact, that why did we build the building across the street. I mean if we don't need to give up the space that we're giving to the Judge, we should never have built that building.

Commissioner Stowe – we're giving him all the offices. Commissioner McCown – no, we were talking the third (3rd) floor when we decided to go forward with that building, we knew we were going to give up the entire third (3rd) floor. Commissioner Stowe – as needed. To this point, we haven't been shown that he needs the extra courtrooms at least to my judgment. We have requested that information but we've never received it, Larry. I know that courtrooms cost a lot of money by the time they put in all the little paneling, benches, etc. Commissioner McCown – he does the furnishings, we provide the walls, and he does the furnishing. If he's willing to work with this, with the moveable walls, there's not going to be Oak paneling on it. Ed – well he identifies in here what we're responsible for in Phase II and it's a bit more than that. Commissioner McCown – furnishing and telecommunication will be the responsibility of the State. Commissioner McCown – there's no way that you can construct a bench, witnesses box and clerks space and still keep this room multi-purpose – it goes away. It's either or, folks. We either deny the Judge's request for the use of this room allowing the use of the offices and/or do battle. Don – State Judicial is supposed to make the kind of analysis that Walt is talking about.

Chairman Martin – that's right and we've requested that. Commissioner McCown – well, they were supposed to before any of this took place. Chairman Martin – and we still think we need to hold off on our decision. Commissioner Stowe – I would like to see an analysis. Dale - there's a response requirement. The court administrator's office will provide the cost estimates and standards for re-configuring a courtroom and related facilities as soon as possible, so there's a commitment to at least do that. Commissioner Stowe – we know they draw up what they need for the courtroom, do they need the courtroom I guess is my point. If they can justify it fine, I don't have a problem, we're obligated to provide it, but if they don't need the courtroom for five years or ten years, then let's use it for the County purposes for the five or ten years. Commissioner McCown didn't see a problem with Phase I. Richard – they were talking about walls and you need a doorway here just for access to get people out. There's still a door here, you have to keep that door in here. If we want to put a locked door here, they have to be able to go out this way or whatever-push bars, there has to be some kind of avenue in here. If you put a locked door in here and all these people, can go out this way and get them out of here. Commissioner Stowe – do we need any kind of action or motion or is this direction to staff at this point?

Don – Ed said this is a discussion but the Judge needs some official feedback from us.

Ed – he asked us to respond to his letter and basically, what I'm hearing from the Commissioners is that it's okay to proceed with the yellow part of it, but we need justification for the pink.

Commissioner Stowe – I'll make a motion that we approve Phase I of the Judge's development contingent upon giving us cost estimates and that we abate Phase II until we receive the space analysis we need from the State of additional courtroom space. Commissioner McCown seconded the motion. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

▪ CSEU Contract – Discussion and Approval

Don explained that this was the legal representation of the Child Support Division in Social Services. We're at the point and time where my office has given notice to current retained attorney to terminate those services and we need to move forward with a contract for the first of July. Mary Lynn has made contact with the appropriate person at the State but so far the format we need to use has not reached my office. Don

requested authority to move forward in preparing this as close to the first of July as possible because of the origin of the State fiscal year. At this point is authority for the Chair to sign the State approved form for contracting for legal services with the County Attorney's Offices to take effect on the first of July, 2002 using the original appropriated amount of \$45,000 less amounts expended for Mr. Coloia for the remainder of that contract.

Commissioner McCown – so moved. Commissioner Stowe seconded. Motion carried.

▪ ***Holy Cross Energy Letter Agreement RE: New Road and Bridge Airport Shop***

Randy Withee and Carolyn Dahlgren reported.

Carolyn requested the Chair to be authorized to sign the total estimated cost of overhead construction of \$45,800. She explained that these were only estimates and after the job has been completed, the actual cost of construction will be determined. The construction deposit will be adjusted to reflect the actual cost by making a refund or further assessment.

A motion was made by Commissioner and seconded by Commissioner McCown to approve the contract with Holy Cross Electric in the amount of \$45,800 to provide the power for the new County Road and Shop Building and those perimeter lands for the County. Randy stated we actually had \$76,000 budgeted for the total electrical which service over to the building. Holy Cross has estimated \$30,000 so we will have \$200 to spare. Motion carried.

▪ ***Consideration of Access Agreement Re: Cattle Creek Road and Bridge Shop***

Carolyn Dahlgren and Ron Perau were present. Carolyn stated that this was brought to the Board about a year ago, but no formal motion was made. Carolyn reviewed the Minutes concerning this issue. During the file review, Carolyn noticed we have been negotiating a lease back in 1994 but it never was signed. It's been just about a year since Ron Perau came before the Board; however, there was never a formal vote. While drafting the agreement, Carolyn said it was not clear if she was drafting an easement agreement, a license to use, or other. Mr. Perau and Carolyn discussed the paving of the road and also about the possibility of there being a third grantee being the Van Ram Subdivision. If there is another grantee there may be increased use of this property. Therefore, this meeting today is to discuss three things: 1) Permission to pave the area as well as to use the in-place graveled road; 2) whether or not this is an agreement with Perau and McClellan, who owns the property behind Mr. Perau; and 3) what is the form of this agreement. This is public property and we cannot predict in the future whether or not future Board of County Commissioners will need this for public purposes and recommended that the Board grant a revocable permit or license to use; it could still have a term to it, but there should be a revocation provision added that would say with 90 days written notice or whatever, this land can come back into public use. Carolyn submitted drafts of both an easement and a revocable permit for the Board's consideration.

Ron Perau mentioned Van Ran has been maintaining it in the past but are not willing to asphalt the road unless they are included in some responsibility for it. Ron mentioned there has never been a proper access to that property. Chairman Martin stated there would never be a public access.

Larry Mencer representing the property owners association stated that Van Ram Subdivision would be the most appropriate permit holder. Carolyn mentioned this does not run with the land.

Commissioner McCown said whatever is the most workable level to protect the interest of the County is what he favors in order not to have anymore grief from Mr. Perau and Mr. McClellan nor give up this County property which may be in fact needed in the future. He added that the permit to use seems to be the most practical rather than the easement. Carolyn referenced the Minutes from a former Board Meeting saying that we are not charging a license fee rather we are saying, you maintain it, you keep it weed free, you make sure the drainage is okay, then we won't charge you a fee on top of that. The Board agreed.

Carolyn also inquired as to the security gate and fencing currently in place, who controls the gate? Ron Perau put up the gate and it simply is to stop access to both Perau and McClellan's businesses. The Board didn't have a problem with the gate remaining.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve a permit or license agreement for a period of ten (10) years, renewal in ten (10) year increments with a 90 day revocable clause in it in favor of either the homeowner association or the individuals which ever our attorneys deem most expedite and that the payment of this be in the form of maintenance to the roadway as far as weed clearing and on-going maintenance of the asphalt if that's to be installed. Discussion was held with the following amendment to the motion to include to maintain the license theory in a safe, clean, functional, and workman like condition appropriate to its use as an access road/drive, the licensed area shall be covered with a gravel road base 4" thick, kept free of weeds and trash and shall be constructed and maintained with a crown road bed such that the drainage is northwesterly and does not drain onto other

County property, further licensees shall be responsible for weed control on disturbed areas not within the traveled surface. The paving is another issue and the County has to give special permission if that road is to be asphalted. Commissioner Stowe amended motion to reflect that paving be included in the language in Drainage issues were further discussed, Tom Russell said he didn't think it would be a problem as long as drainage is maintained and doesn't flow off onto County property. If a structure is needed then we would have to look at this later. Carolyn will discuss with Larry Mencer. Leave it as an option – minimal gravel and option to pave it. Commissioner McCown amended his second. Motion carried.

▪ ***Update Re: Alsdorf Request to Vacate Portions of CR 116***

Don requested written comment from Road and Bridge but has not received it as yet. He explained that Mike Alsdorf was going to City Council June 20th and suggested that perhaps the Board would want to postpone this issue until that occurred. This was tabled until the July 1, 2002 meeting.

▪ ***Update Re: Bellio Request to Vacate and Abandon Portions of CR 298***

Don submitted the request to the Board, explained that this is from a private landowner and about a year ago when they first submitted this request to the Board, Don contacted road and bridge and their position was that the road provides access to public lands and should not be vacated. And, this is the second request still being made by the private landowner and wanted to make sure it was still the position of the Road and Bridge Department, but a couple of things on this – first of all the Commissioner's policy has been if the road provides access to public lands, they will not consider vacation, secondly, if you will decide to go forward and at least consider it, there's a special statute on access to public lands and the first thing that has to happen is this road has to be posted at both ends that it will be vacated and that posting is supposed to remain in place for eighteen (18) months before you proceed with vacation. He asked the Board how they wanted to proceed. Chairman Martin – only a one-way in and one-way out to a coal mine. BLM offices are in favor of vacating that section of public lands road and make it a foot trail. Don said this is differently than what Road and Bridge had a year ago. BLM wanted to maintain this road as is for access to public lands. Chairman Martin said he had requested BLM to supply Road and Bridge and the County Attorney's office with their vacation and their plans for this particular road. Commissioner McCown said even if BLM plans to turn it into a foot trail, they are still planning on access to that point and this would eliminate that. Don agreed, when this is vacated there simply is no public access to private lands. Commissioner McCown addressed if this property were to ever sell, then the intent of that future landowner may be different than the current landowners.

Don asked if the Board was at the point where he would like him to inform the applicant, Mr. Bellio, that they will not consider his petition.

Commissioner McCown said at this point he would not favor moving forward on the request and made it into the form of a motion. Commissioner Stowe second. Commissioner McCown explained his position referencing other similar situations to this and also access public lands in the Roan Creek area; this has been our policy and felt a change of the policy that it will create a compromising issue that may open up a lot of people to land lock public lands, control it with a minimal amount of private land and control huge blocks of public land and he didn't think this was the Board's intention. Call for the question to deny. Stowe and McCown – aye. Martin, I oppose, I think we should go to a public hearing with it simply because it is a unique situation and in cooperation with the BLM and BLM was a co-requestor. Commissioner McCown – said if things change they can always take it back up but at this point, that's the stance we are taking.

EXECUTIVE SESSION – Sale of Property; Lease with Valley View Hospital; Lift-Up Agreement; Oil and Gas Industry Advice; Open Records Advice; and Update Pending Litigations

Don requested an Executive Session and requested that the Board, Mildred Alsdorf, Ed, Mark Bean and he remain for the session.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

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

Public Action resulting from the Executive Session – Powerline Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to move forward on the revocation of the security agreement with the Powerline Subdivision; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Personnel tomorrow at 1:30 PM.

Commissioner McCown – Tuesday, 7:30 p.m. at Silt Community Center - Concern Citizens South of Silt regarding upcoming oil and gas activity; Wednesday 1:30 p.m. - Communication Meeting at the Com Center in Rifle.

Chairman Martin – June 19th – Community Center 5:30 – 7:00 p.m. - Bell Policy on Advice Given on Ten Commandments and how to fly the Flag – information and exchange of different governments and how they react; Strawberry Days – June 22, 10 a.m. Parade.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Special Use Permit for Barry and Jane Till
- c. Sign Resolution of Approval and Plat for the Monument Ridge Subdivision Exemption

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - c; carried.

ABATEMENTS:

Shannon Hurst presented the following abatements:

Rodney L. and Kelly J. Jones – 02-094 - \$194.96 for 2001

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement request for Rodney L. and Kelly J. Jones – 02-094 for \$194.96; motion carried.

Jose Guadalupe and Eustolia Leon – 02-096 - \$72.42 for 2001

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement request for Jose Guadalupe and Eustolia Leon – 02-096 for \$72.42 for 2001; motion carried.

Carbondale Community Access Radio, Inc. – 02-083 - \$1,150.88 for 2000 and \$1,297.12 for 2001

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement request for Carbondale Community Access Radio, Inc. – 02-083 - \$1,150.88 for 2000 and \$1,297.12 for 2001; motion carried.

Zion Credit Corporation – 02-098 - \$2,780.70 for 2001

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement request for Zion Credit Corporation – 02-098 - \$2,780.70 for 2001; motion carried.

CONTINUED PUBLIC HEARING PONCELET SPECIAL USE PERMIT TO CONSTRUCT A SINGLE FAMILY RESIDENCE AND DRIVEWAY IN THE FLOODPLAIN. APPLICANTS:

BERNARD AND SIDNEY PONCELET

Planner Fred Jarman, Don DeFord and Yancy Nichol and Bernard Poncelet were present.

Fred reviewed the previous material submitted at the June 3, 2002 Commissioner's Meeting; that hearing was continued until today to allow the Poncelets time to submit an amended Special Use Permit. Mark Bean submitted a memorandum to the Commissioners saying the Poncelet Floodplain Special Use Permit application was continued to today to allow the applicants to acquire a letter from the Corps of Engineers stating that there is no need for a 404 permit. Fred stated he had received an E-mail from Mark Gilman from the Corps of Engineers, Exhibit L.

Chairman Martin reaffirmed the swearing in of speakers. Fred submitted Exhibit J – Beach Environmental Cover Letter for the record.

Chairman Martin entered Exhibits L and J into the record.

Fred read the letter from the Corps of Engineer stating the original concerns had been addressed and therefore it would not need to be permitted as it is not necessary for this project.

Yancy Nichol stated the SUP since it is in the floodplain, requires the permit for the driveway and the house structure itself. All information has been submitted and today there is no detailed presentation besides to answer any questions the Board may have on the application. Chairman Martin determined that there were no issues with the recommendations by staff.

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

Commissioner McCown made a motion to approve the Special Use Permit for Bernard Poncelet with the recommendations including all testimony and exhibits; motion carried.

CONTINUED PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR NATURAL GAS PROCESSING PLANT AND PIPELINE. APPLICANT: WILLIAMS ENERGY SERVICES

Don DeFord, Randy Russell, Bob Gardner, Project Manager Tom Watson and Dave Cesark were present.

Exhibits submitted - L - M - N - 2-1300 - O - P - q - Grand Valley Fire Protection, R - and 5 subsequent Exhibits s - Sid Landaur, T - letter - U - V - W - Supplemental Information Materials attached to the staff report. Chairman Martin entered Exhibits S - W.

Randy submitted new Exhibits: Exhibit S - Notes and Comments for the June 17, 2002 hearing; Exhibit T - Letter dated June 5, 2002 from Gerhardt and Sandra Aldersea; Exhibit U - Letter dated June 12, 2002 from Michael Erion of Resource Engineering; Exhibit V - Letter dated June 4, 2002 from David Cesark with the DeBeque Lateral Pipeline Project Reclamation Plan; and Exhibit W - Supplemental Information. Chairman Martin entered Exhibits S - W into the record. Randy stated that during the May 13, 2002 hearing, there were three primary areas of concern expressed by staff as an argument for the continuance. Supplemental Information.

1. A detailed Storm Water Run-Off and Drainage Plan have not yet been submitted. The nature of the materials stored on site and the proximity of the site to Parachute Creek demand a level of detail in commitment to containment. The applicant has referenced verbally in narrative portions of their application some of the standards that they plan to incorporate and adhere to, but has yet to submit the schematic that would demonstrate how storm water, drainage, levels of containment and related issues would fit together and be placed on site.
2. The applicant has submitted an incomplete Site Reclamation Plan. While accounting for re-seeding and monitoring of construction disturbances and committing to a Weed Control Plan, the applicant does not address the end of the useful life of the processing facilities or pipeline, and plans to reclaim these sites once processing and/or transportation cease to be a use and the SUP is terminated. This information is necessary for the BOCC to make a determination on what, if any, security arrangements will be required to guarantee future site reclamation. Furthermore, the applicant is requesting a waiver and termination of previous SUPs that applied to the site which still contains older and now unused infrastructure that have current reclamation issues attached to them (water tank, roads, pipelines) from previous uses granted under those SUP's. A site Reclamation Plan should also address reclamation of those inherited facilities with specified time commitments.
3. A variety of concerns and questions about water and water related issues have surfaced as a result of the recently finished review period from a variety of sources. These issues are of a complex enough nature that a last minute attempt at clarification and submittals may not be feasible and probably would not be prudent in terms of the ability of county staff and consultants to review and verify new information. Staff suggests that a report addressing the following areas will be necessary to allow informed decision-making at a subsequent hearing date:
 - A. A letter from the Town of Parachute approving and guaranteeing in perpetuity use of municipal water provided through a tap at the current Williams Office at 1058 CR 215, or any other tap, for uses in filling a cistern, and any other uses at the proposed site, should the applicant desire to provide potable water at the plant site in this manner. *The applicant now proposes not to utilize this source of water.*
 - B. A detailed explanation of current irrigation water rights and any ditch agreements, held by the current property owner, and potential uses of that water, or limitations on use, on site. *The applicant has proposed adequate alternative sources of water for dust control during construction and pipeline testing.*
 - C. A detailed explanation of sources and water rights for water to charge the pipeline for testing purposes. *The applicant has proposed alternative adequate sources of water for pipeline testing.*
 - D. A detailed explanation of sources for water for dust control during construction of the plant and pipeline facilities and for maintenance of the site and reclamation efforts. *The applicant has proposed alternative adequate sources of water for dust control and reclamation.*
 - E. A detailed explanation of well and water rights for any wells on site, any wells shared with American Soda or other neighbors, and a history of the deeds and transactions for such water rights and their current status and ownership. The object of this section of the report is an assurance of legal and adequate supply for all uses implied and proposed in the Special Use Permit application for any uses of well water. *The applicant has detailed the relationship with American Soda, and shown proof that an adequate supply from*

Unocal Well Number 6 will be available for anticipated site uses for the duration of the SUP for potable and irrigation purposes within the water demands.

Randy continued to review the Garfield County Zoning Resolution stating the application falls within the definition of Section 3.10.04; Section 5.03 – issues have been addressed and subject to final contracts; access to the site is adequate for traffic and safety needs and the proposed site plan allows for adequate internal circulation and safety concerns in loading operations; the applicant has committed to pain schemes that will minimize visual intrusion, lighting systems to minimize leakage, utilization of current and historic access points to minimize new road construction or access and substantial distances and setbacks from adjacent uses. He stated that the applicant has satisfactorily addressed Section 5.03.07, has a valid Air Quality Control Permit for the proposed use and has committed to dust control on site and lighting plans; applicant has agreed to fence the plant site; analyzed vehicular traffic, etc. and proposed a voiding and vacation of previous special use permits for the site that would include previous mitigation agreements. The applicant inherits a variety of previous development on the site that includes no longer functioning water facilities, disturbed areas for buildings and concrete pads, disturbed areas for roads and pipelines, sewer and water infrastructure in the ground, RV hook-up facilities left un-reclaimed and other potential reclamation issues passed on to the applicant as current owner of the site. The applicant has inherited an obligation to reclaim previous disturbances utilized for previous SUP's intact and applying to the property, the applicant has assumed all reclamation responsibility for previous uses.

Recommendation: Staff recommends approval for the Sup and a voiding and termination of all previous Special Use Permits applying to the property as covered under this permit and defined by the application, specifically Resolutions number 81-14, 81-100, 81-11, and 92-101, to be granted to Williams Production RMT Company, subject to the following conditions:

1. That all representations made by the applicant in the application, subsequent submittals and at the public hearing shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. That any and all references to "Safe Area Two" as submitted in the original application are null and void as regards this Special Use Permit.
3. The applicant will ensure that fencing for the plant site meets DOW standards, and that any construction activities for the plant site and pipeline corridor are conducted in consultation with, and within limitations suggested, by the DOW.
4. The applicant shall enter into a weed control and reclamation plan incorporating applicant's assurances as to reclamation of both the plant site and pipeline corridor, with the Office of Vegetation Management for Garfield County which includes the number of acres to be disturbed and sufficient financial assurances, as determined by that office and the Board of County Commissioner, for short term and long term reclamation efforts. The Plan shall include the separate submittal by the applicant which meets BLM standards and which will be applied to the entire pipeline corridor.
5. The applicant shall provide a detailed water analysis of any well or other source to be used as potable water for consumption at the proposed plant site, and provide alternative for potable consumption at the proposed plant site, and provide alternatives for potable consumption should drinking water standards not be met.
6. The applicant shall provide a fully a executed contract with Exxon Mobile for water sources to provide pipeline testing and dust control and reclamation for a period of 25 years.
7. The applicant shall meet all site standards required by the USEPA for SPCC site containment measures within 180 days or start-up.
8. The applicant assumes all responsibility for reclamation requirements contained in previous Special Use Permits as a condition of issuing this Special Use Permit, further refined and agreed to as including all previous industrial disturbances (water tanks, roads, pipeline corridors, concrete pads and foundations, utility drops, RV hook-ups and other "facilities" for removal, reclamation and restoration upon terminating the Special Use Permit, and affirms that these requirements rest with the land and that the applicant shall make these requirements known to any heirs, assigns of purchasers of property subject to this Special Use Permit.
9. The applicant shall provide periodic reporting of employees by place or work and residence, and employees of all sub-contractors, by place of work and residence, as may be required by Garfield County.

10. The applicant shall employ paint schemes, buffering and contouring to minimize visual noise impacts from the property.
11. The applicant shall submit a plan certifying that all ISDS systems shall be pumped and inspected yearly.
12. All contractors and sub-contractors shall have current licenses and registration with the County Clerk and Recorder for all vehicles and equipment utilizing county roads.

Applicant: Robert Gardner mentioned they have given a lot of thought to what they are trying to accomplish and have determined the best routing to be along the I-70 Corridor to lessen any additional new disturbance to the surrounding scenery and countryside.

Sid Lindauer – owner of a small ranch ½ mile north of the Town of Parachute. He reiterated from his letter previously submitted on concerns regarding noise, traffic on County Road 215 and water flow.

Robert Gardner stated he has worked with Sid on these plus other property issues and have committed to construct some buildings around the compressors.

Don asked if these were conditions they could use as conditions of approval.

Robert Gardner said they have committed to Mr. Lindauer.

Sid Lindauer said he is satisfied with the commitment by Williams Energy.

Sandy Aldersea – CR 215 – submitted a letter stating her concern of the noise issue on the trucks using their jake breaks.

Robert Gardner – commented on Condition No. 6 simply states the applicant shall provide a fully executed contract with Exxon Mobile for water sources to provide pipeline testing and dust control and reclamation for a period of 25 years. He asked for clarification on the 25 years saying they felt this was a very long period of time for their intended purposes of this facility. The water they would require from Exxon is for an abbreviated period of time – 12 to 18 months for the initial testing of the pipeline, construction of the site and then any additional reclamation that may occur after that. 25 years may be too lengthy for their intended purposes of that water source. The facility itself would be on the order of 25 – 30 years. The requirement for large amounts of water would be the next 12 – 18 months.

Commissioner McCown mentioned the water was for the reclamation of the site cannot be claimed until it has reached its life long intent and torn down and reclaimed. Randy suggested a solution, it requests that you present a contract and doesn't specify for how much or for what duration so if the contract specifies that you need intensive uses of water in the first couple of years and residual usages over the life of the facility, your ability to enter into that contract would satisfy staff's concerns about having the appropriate amount of water at the appropriate time. The 25 years can be deleted. Bob said they would be agreeable to this as well. The agreement they plan to sign with Exxon

Mobile is a private contract. Chairman Martin acknowledged the private contract but felt it was necessary.

Don – normally we would need a formal contract but they still need a legal agreement for water. Bob said they will and what they are trying to do is to keep this as a private business issue. He asked if this can be kept in-house and not for public view. Don indicated they could try but it is very difficult in the land use context because almost everything the Board does is of public record in this type of proceeding. Bob said in that case they will defer to the Board's wishes.

David Lemon, BLM Grand Junction, said he prepared an environmental assessment and haven't signed the finding of no significant impact yet, they were waiting on the County's decision. They have been proceeding with this as an open matter and wanted to attend this hearing and hear what people had to say before making their final decision. So far, they haven't received any comments preclude issuing their decision on this.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Special Use Permit with the recommendations made by staff with the Change in No. 6 to provide that the applicant shall provide a fully executed contract Exxon Mobile for water sources for the life of the Special Use Permit on an as needed basis to meet the needs of their testing, etc. and that we add No.13 that the applicant will also construct the noise abatement facilities as referred to by the applicant as well as the walls and structures to provide that noise abatement for the citizens. McCown seconded. Motion carried.

REQUEST TO AMEND THE SANDERS RANCH PUD PLAN TO EXTEND THE DEADLINE FOR SUBMISSION OF A PRELIMINARY PLAN FOR ONE YEAR. APPLICANT: SOPRIS DEVELOPMENT, LLC.

Don DeFord, Mark Bean, Ron Liston, and Jim Wells of Sopris Development were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application; Exhibit D – Project Information and Staff Report; and Exhibit E – Garfield County Zoning Resolution on 1978 as amended. Chairman Martin admitted Exhibits A – E into the record. Mark stated this is a consideration of an amendment to the Sanders Ranch PUD. Mark stated the Planning Commission recommended approval of the proposed PUD amendment subject to the following conditions of approval:

1. That all representations of the applicant, either within the application or stated at the hearing before the Planning Commission and the Board of County Commissioners, shall be considered conditions of approval
2. As a part of the preliminary plan application, the proposed phasing plan will include dates for the initiation of the proposed phases. Additionally, the phasing plan of the dates for the initiation of the proposed phases. Additionally, the phasing of the recreational amenities for the Sopris multi-family area will be required to be included in the improvements as a part of the required improvements for the Final Plat for the Commissioners, shall be considered conditions of approval.
3. As a part of the preliminary plan application, the proposed phasing plan will include dates for the initiation of the proposed phases. Additionally, the phasing of the recreational amenities for the Sopris multi-family area will be required to be included in the improvements as a part of the required improvements for the Final Plat for the area.
4. All other conditions of approval contained in Resolution No. 2001-27 will remain unchanged and the applicants will be required to comply with the conditions of approval.

Ron Liston stated their letter explains circumstances that led to this and they are confident they can move forward with this in the coming year.

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

Commissioner McCown made a motion to amend the Sanders Ranch PUD to extend the deadline for one year with the recommendations of the Planning Commission including conditions; Commissioner Stowe seconded; motion carried.

REQUEST TO AMEND THE BATTLEMENT MESA PUD ZONE DISTRICT TEXT TO ALLOW FOR SELF-STORAGE FACILITY IN THE NEIGHBORHOOD COMMERCIAL ZONE DISTRICT. APPLICANT: LYNN SHORE

Mark Bean, Don DeFord and Lynn Shore were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application; Exhibit C – Project Information and Staff Comments; and Exhibit D – Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin entered Exhibits A – D into the record.

This is a request to amend the zone district text to allow self-storage facility.

Recommendation: The Planning Commission recommended Approval of the application for a zone district amendment, but as a Use by Right, rather than a conditional use.

Lynn Shore stated that the adjacent property owner has no objections and the Battlement Mesa does not either.

Commissioner Stowe moved to close the public hearing; Commissioner McCown seconded; motion carried.

Commissioner Stowe made a motion to approve the PUD Zone District Change Text Amendment to the Battlement Mesa PUD Zone District Text with the recommendation of staff as noted in the staff report; motion carried.

REQUEST TO AMEND SECTION 8:75 (A) OF THE GARFIELD COUNTY SUBDIVISION REGULATIONS TO BETTER DEFINE THE CRITERIA FOR CREATING LOTS THROUGH

THE RURAL LANDS DEVELOPMENT OPTION. APPLICANT: WESTERN COLORADO AGRICULTURAL HERITAGE FUND

Don DeFord, Mark Bean and Shannon Meyer, Executive Director were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: A – Proof of Publication; Exhibit B – Application; Exhibit C – Project Information and Staff Comments; and Exhibit D – Garfield County Zoning Resolution of 1978 as amended.

Chairman Martini entered Exhibits A – D into the record.

Mark reviewed the project information and staff comments going into detail on the Section 8.75 for Eligible Property. What has been suggested here is properties as of October 16, 2000, except where land was added to a previously eligible parcel, in which case changes to the legal description reflecting the added land may have occurred at any time without jeopardizing the eligibility of the property. The application is submitted on behalf of the landowners who hold large tracts of land within Garfield County and would like to be able to utilize the Rural Land Development Exemption Option (RLDEO) provision of the Subdivision Regulations (Article 8.70) but are precluded from doing so by certain clauses within the existing regulation. Since the Rural Land Development exemption Option regulation was adopted, all of these landowners have analyzed the potential for utilizing it as part of a limited development strategy that would result in the preservation of at least 80 percent of their property for open space and agricultural uses. Mark said staff supports an effort to develop a regulation that gives a large land owner an alternative to splitting their property into 35 tracts.

Recommendation:

The Planning Commission recommended approval of the regulations as modified by staff and the applicant. Shannon Meyer stated they have three clients who want to sponsor their land and use these options. For various reasons, due to the regulations, a lot of people put a great deal of time into these new regulations. Commissioner McCown said he is a very active supporter of these regulations. Mark – the goal is to give people the opportunity of clustering. Commissioner McCown noted that if a landowner has 1,000 acres, 20% goes into housing; 800 acres remain “deed restricted” “open space” “agricultural”. Should they ever want to sell that, you’re looking at a narrow market. Shannon said that is why they went with the 40 year term limit, once the 40 years are up, they can go through a PUD, they can divide it into 35 acres or they can go through this regulation again. The intention was to gear this towards the landowners who would like to keep their land in agricultural but would like to split off some limited development and do not want to do it in a manner that prohibits agricultural. There are other options for people who want to do straight 35 acre subdivisions or PUD’s throughout their property. Commissioner McCown said the incentive is go this route still has not been strong enough to entice it. Shannon said the incentive is there, it’s seemed like the agricultural properties tend to have gone these minor changes since 1973, and most of their clients do have these minor adjustments and have kept them from using these regulations. Others are anxious to use them but currently are prohibited because of the 1973 date. Mark said the original intent was not to preclude minor changes. Commissioner McCown - The way we wrote it was to follow the same guidelines as the SB 35 exemptions. The 1973 date is what tied the two together; now by changing it to October 2000 we’re discounting the SB 35 exemptions completely. Mark said no, this is strictly for the Rural Lands Development Exemption Option. Commissioner McCown said he knew what it was for, but we’re going forward 27 years. Mark – to give someone an option to splitting their property into 35 acre tracts. Shannon said they researched all the notes of task force meetings and the discussion they’ve had dealt with when this date should be; the major criteria was that we didn’t want it to be some point in the future so people could subdivide large properties so they could have a lot of these clustered actions happening. Commissioner McCown – just as a point of clarity, we’ve had some rather large parcels put together in Garfield County over the past two years. If you went back to the October 2000 date, these parcels would be separate parcels. Would they file for this under those separate parcels or would they have to file under the present condition of their parcels. He gave the example of someone who put together 12,000 acres over the last several years. Shannon said they would have to file as they were before October 2000. Commissioner McCown – that would allow them to file for 10 different projects. Mark said the way this is written, that’s correct; they would have been eligible for those projects if they were separately deeded pieces prior to October 2000. This is the way they want to go with this. If they qualified at that time, the intent was to say those parcels would qualify now, the idea being is these same pieces of property presently could be split into 35 acre

tracts with no questions and the idea being in this process at least 80% of that property would now remain in some kind of conservation easement for agricultural or open space purposes for at least 40 years. It's discretionary. Mark asked Don if we get into a merger argument of any sort here or not. Don said it's possible; he would need to see the application. Commissioner McCown noted we get into arguments all the time of SB 35 exemptions in the time period of 1973 on whether this was put together before or after the date, this is a moving target. Don reminded the Board they would have to look at the facts when they come in.

A motion was made by Commissioner Stowe to close the public hearing; Commissioner McCown seconded; motion carried.

Commissioner McCown moved to approve the Amendment to the Garfield County Subdivision Regulations to amend the Rural Lands Development Option, Sections 8:75, 8:81 and 82 with the recommendation of the Planning Commission. Commissioner Stowe seconded; motion carried.

REQUEST TO CONSIDER PARRINGTON EXEMPTION TO SUBDIVIDE A 41.910-ACRE TRACT OF LAND INTO THREE (3) PARCELS. APPLICANTS: JOHN AND NILA PARRINGTON

Those present included: Planner Fred Jarman, Building and Planning Director Mark Bean, County Attorney Don DeFord, Attorney for the applicant John Savage, Nila and John Parrington.

Don DeFord questioned the applicants regarding notification of property owners, public notification, and posting. He determined everything was timely and in order and advised the Board they were entitled to proceed.

Chairman Martin determined there were no challenges to the notification and swore in the speakers.

Fred Jarman –Entered the following Exhibits for the Parrington Subdivision Exemption requests and amended plat requests. Exhibit A – Proof of certified mailing receipts and publication; Exhibit B –Garfield County Zoning Regulations; Exhibit C –Garfield County Comprehensive Plan of 2000; Exhibit D –Garfield County Subdivision Regulations i.e. Zoning Regulations; Exhibit E –Staff Report which also includes a series of attachments which are as follows: Exhibit F – is the application Materials; Exhibit G – is a letter from John Savage to the Rifle Fire Protection District dated Eleven-twenty-three two-thousand-one (11-23-01); Exhibit H – Referral comments from the Garfield County Road and Bridge Department dated Five-twenty-three zero, two-thousand two; Exhibit I – is an E-mail from Garfield County Vegetation Department to Kim Schlagel dated Six-four-zero two (6/4/02); Exhibit J – is a Subdivision Exemption Final Plat approved in Nineteen-Ninety-five by this Board which was evidence of the first exemption from subdivision; Exhibit K – is a letter from the State of Colorado, Office of the Engineer dated Five-seventeen, year two-thousand two (5/17/2002); Exhibit L – is a letter to Garfield County Building and Planning Department from William P. and LaVonne M. Snyder dated Six-ten-zero two, year two thousand two (6-10-2002); Exhibit M – is a letter to the Board of County Commissioners from Zane and Sally Carter. I would also at this time like to submit two (2) newly receipts exhibits - Exhibit N – being a letter to Garfield County from Dennis Chambers, which is dated June Five, (6/5), I'll pass these around. And last, I have Exhibit O – which is a letter to John and Nila Parrington from West Divide Water Conservancy District dated March twenty-eight, year two-thousand two (3-28-2002). I'll pass that out also. Fred continued and gave an overview of what's being requested because there are several folks here that would like to also like to Board with concerns, so I'm going to try not to drag this out too long, be too long winded. For the sake of discussion, I would like you, if you could, pull out a reference of the larger plat that was submitted in the application which is the proposed subdivision. And, then secondly as you're doing that, as you recall reviewing the staff memo I included the original Nineteen-Ninety-five (1995) plat which was the first subdivision exemption. So, I'll have those both out for a matter of comparison. So just briefly, this is a request for an exemption from the rules of subdivision as well as an amended plat for an exemption lot, which is currently owned by the Millers. The applicant is John and Nila Parrington, the property location is zero-one-four-five (0145) County Road Two-two-five (225) just west of Silt. As a matter of reference and record, in Nineteen-ninety-five (1995) the Parringtons approached this Board and received approval for the first subdivision exemption to create what is known and shown as Lot two (2), that's the smaller Eleven by Seventeen (11x17) piece which is just over an acre on that plat. The request today is to further subdivide the remainder of the parent parcel which, is forty-one point nine acres (41.9) into a total of three (3) which is a complete overall total of four (4) lots which is the most that you can subdivide. The property in Nineteen-seventy-three (1973) was in excess of thirty-five (35) acres, that's proven by a deed that was submitted by the applicant; they have also indicated and provided proof or evidence of adequate legal water supply through new non-exempt wells with a West Divide Water allotment contract. The letter that I

submitted to you I believe as Exhibit O indicates that those are two (2) approved contracts from West Divide. They are proposing access off CR Two-two-five (225); they also have frontage on CR Two-ten (210). I would like to indicate that those haven't been indicated on the proposed plat, although one of the comments back from Road and Bridge Department indicated that they would have to, they would be required to get permits for those driveways to those lots and that is a condition of approval as well. The lots that are being proposed, I've shown on the larger plat, show Lot One A (1-A) which is to the north to be just over Ten and one-half (10.5) acres, Lot One B (1-B) is just under Ten (10) acres and then the remainder of the parent lot, which is the current residence of the Parringtons, is Lot One C (1-C) which shows Sixteen (16) acres. Although I think there's a discrepancy in the letter in the application that said they should be Ten, Ten and Twenty (10-10-20), unclear as to what the discrepancies are so I thought I'd ask the applicants that question at the right time. With respect to the set criteria under subdivision exemptions, they meet what's required of them by the staff. We recommend approval with a series of conditions that are also stated in the staff report, I do have a couple of questions and I'll ask at appropriate time, so with that, I'll finish staff's comments.

John Savage – Thank you and just for clarification, I would tender the Board a sort of a letter showing my written comments and ask that this be adopted as an Exhibit.

Chairman Martin – We'll mark that as Exhibit P.

John Savage – First of all, for clarification we're not sure where three (3) acres went between, we had Forty-one (41) acres, now we've got Thirty-five (35). I'm not sure. The one correction we, we're not amending Lot Two (2) from the original plat, the original exemption. The difference is if you'll look at the Ninety-five ('95) Plat, Lot Two (2) goes to the apparent County Road right-of-way whereas on the Sketch Plan for this application it takes in the County Road right-of-way. We'll make, on the final plat, we'll correct that and Lot Two (2) will show exactly as it was in the Ninety-five ('95) plat. Fred said, so to clarify that Lot Two (2), you're saying the correct should be Two point zero zero eight (2.008) acres that's shown in the final plat from Nineteen-ninety-five (1995)? John Savage – That's right. Fred Jarman – Okay. John Savage – we're not making any changes with that, it's the exemption lot, again, it's an erroneous letter labeled on the sketch plan is Lot Three (3), it's an exemption lot and it is not part of the exemption lot. That's what we're adding about an acre and a half (1.5) to. We believe that mitigates the need for recommendation Number Three (3) which is the amended plat of discussion. Number eight (8), the second sentence of paragraph eight (8) calls for a road sharing agreement; all three (3) of these parcels will have separate driveway accesses to County Roads. There's no road sharing agreement needed. On Number Ten (10), unless we're doing a new procedure on exemptions, I'm not sure what this means.

Don DeFord – Okay. Fred, this one was included, I think, as being primarily because of the inconsistencies in the acreages, I believe and so maybe, that's really the heart of the issue because the application originally indicated Forty-one (41+) plus acres, but the Three (3) exemption lots came to Thirty (30) something acres and we were trying to sort out where the difference was and maybe you've explained that, but ... John Savage – Part of the difference is how the County Road right of way gets treated. The Forty-one point nine (41.9) acres included the acre and a half (1.5) that's going to the exemption lot. John Savage – And I think if we'd make those two (2) changes we're coming pretty close. Don DeFord – That was the main problem we had. You're correct as to Lots One A, B, and C, those are not to be deeded at this point. Those are shown on the plat; we did want the deeding that would be with the exemption lot to occur before you filed the final exemption plat so that the acreage would be correct. John Savage – So a deed and a boundary line adjustment affidavit for that will be filed shortly before we do the final plat. Okay. Don DeFord – Exactly. John Savage – That part I understand. Don DeFord – Okay that was the main concern, you're right though on the A, B, and C, those aren't to be deeded. John Savage – The one other issue of clarification regarding that Ninety-five ('95) exemption plat, The Ninety-five ('95) exemption plat has two (2) plat notes on it which relate to un, compliance with the wildfire guidelines and of control of noxious weeds. We would request that those two (2) plat notes not apply to the acre and a half (1.5) acre that's being added onto the exception lot. Because if we don't do that, then the exemption lot has got his acre that doesn't have any plat notes on it and then the acre and a half (1.5) that we're adding to it where those plat notes would apply and it just complicates life forever. Don DeFord – That would seem appropriate to me because the exception lot is not technically part of the plat anyway, is it. John Savage – Well, it was part of the Ninety-five ('95) plat, it's not part of this one. Don DeFord – That's right. John Savage – But we've added a plat note to this new exemption plat that says "those notes from Ninety-five ('95) don't apply to the expanded exemption lot." Fred Jarman – What's the size of the exception lot today, prior to what you're asking to do. John Savage – It's an acre. Fred Jarman – It's right at an acre. John Savage – We're actually making it a

complying lot. Fred Jarman – Barely. John Savage – It was an old school site. We also had a letter from the Hansons and I've had preliminary discussions with their attorney, there's diversions between the title line which is shown on the exemptions, the sketch plan and the fence lines and the Hansons and Parringtons will get together next week or two and resolve those issues and cross-convey a new boundary line for the west boundary. It is not going to be substantial changes that will affect the acreages of lots A, B and C, by a half acre (.5), three-quarters (.75) of an acre each, something like that. It will just be an adjustment on the west boundary line. That addresses most of my concerns with the comments. We're all concerned about the drought this year but the water rights administration or the providence of the State Engineer's Office and these wells are authorized under that system and we don't believe that needs to be addressed by the Commissioners. The same with the irrigation water, those issues are outside the purview of this Commission on this exemption process. Particularly in this case, you know, this is a family split, although granted those lots will, may well end up with somebody else some day, and my understanding is that the Parringtons present plans are to continue to operate the property essentially as it has been operated. Commissioner McCown – John you mentioned that you'd met with the Hansons attorney and they were going to correct the west boundary line – I've got a couple question, Number two (2), it looks like the south boundary line as it would be on this particular plat is pretty clouded as well, which is common with fences, I realize that, and Mr. Carter's letter indicated that they would be willing to negotiate a new and true boundary line. The biggest problem I have is having been given this particular plat and showing the true survey and clearly there is a parcel that's being created on the east side of County Road Two-twenty-five (225). If all these property lines, as you've described earlier will be drawn back in to indicate that the property goes to the County Road as Lot Two (2) does. John Savage – The only one that will be changed is Lot Two (2), which is where it was shown on the Ninety-five ('95) plat. John Savage – Included within that is the apparent County Road right of way. As far as I know, that's prescriptive right of way. Commissioner McCown – So Lot Two (2) is going to be pulled back to the County Road right-of-way which will leave a sliver of un-owned property on the east side of the road? John Savage – No, it's not un-owned, it's owned by Parringtons. Commissioner McCown – Okay, but it's severed. Don DeFord – Part of One C (1-C). Commissioner McCown – Okay, it's severed by the County Road. John Savage – No, it's subject to the County Road easement, it would be part of that One B (1-B) actually because the line that now crosses the County Road will go away. Commissioner McCown said when we look at the final one, these lines will all stop at the County Road, One B (1-B) will wrap around to include the little narrow parcel immediately east of Lot Two (2). John Savage – That's correct. Commissioner McCown – Okay. Will Lot Three (3) cross the road? John Savage – No. Commissioner McCown – Lot Three (3) won't cross the road either? John Savage – I'm not sure what the actual legal description of Lot Three (3) is. We'll have to check that. I think that is probably, probably does go to the east section line. Commissioner McCown – You see what I'm trying to avoid here? John Savage – My apologies for what happen on Ninety-five ('95) if I'd been a little quicker and caught that, that wouldn't look like that. I've been tried over the years not to do that with these plats whereas a lot of surveyors have and they've left a lot of County Road right of way out there kind of hanging in limbo. And, we try not to do that and I've got my surveyor well trained, that's why we ended up with Lot Two (2) looking like it does on this one. But we're, maybe with an appropriate condition would be to make sure, add a note that we do address those issues to staff's satisfaction with the final plat just so that none of us forget about it. Commissioner McCown – That would eliminate a major concern of mine. John Savage – Yeah, the south boundary line we have been, we've had some discussions with that, the Carters are one of the owners, that, the genesis of that is that is actually the old State Highway through there. And, when that was abandoned how, where the fences got put in relation, when that right of way was abandoned, although, there's nothing of record for that right of way, we've had our title company look several times because I couldn't believe it. However, there is no right of way, so the resolution of that is no, we may get some of it resolved before we get this recorded, some may not.

Linda Hanson with my husband Alvin, we live at Thirty-two-ninety (3290) County Road Two-ten (210) in Rifle, and we are the parties that adjoin the Parringtons all along the western boundary. He's bringing you a copy of the letter that John got as well. we would like to have it entered and we would like to request respectively that approval of this exemption include a requirement, a condition, that we do get that boundary settled legally. At the time, Alvin and I bought it we didn't realize that the fence was off that far, and now that we're going this process, we would like to see it through to the end.

Chairman Martin – Exhibit Q was entered into the record.

Dennis Chambers, I live a Three-zero-zero-seven-five (30075) Highway 6 & 24; I border Mr. Parrington on the southwest side. My concern right at this point, was the wells, but beings this isn't in consideration at

this point, irrigation problem has been in effect for quite a long time, we need to resolve some of this irrigation problem before this subdivision gets split off into more water outlets that going to create more problems of separating water down through to the parties concerns on all this bottom of the ditch. And on this map up here, there basically is no marking as to the legal ditch right of way easement down through there. I think this ought to be specified where it is and if it's going to a big issue maybe a deeded easement assessment through to all parties. Chairman Martin – That's the Grand River Ditch that you're talking about? Dennis Chambers – Right. Chairman Martin – All right, is it an incorporated Ditch company or is it just like the one at Peach Valley, everybody owns shares and what have you, but it's not incorporated in one way or another. Dennis Chambers – I'm not sure but I kind of believe, I've got the by-laws here, we own shares in the ditch. We own shares in the ditch and then there are a ditch committee that hands down all the rulings and all this on it. Chairman Martin – Clarified that the ditch company makes the rules and regulations at your yearly meeting, you establish your priorities you put your schedule out, and you have your ditch walkers, etcetera and you belong also I believe to the ditch company, pay your shares for your shares. Dennis Chambers – And like on this, this particular ditch, there are four (4) of us on this that come out of one head gate. Mr. Parrington has seen fit to go in there and lock the head gate for some reason. Now I have not bothered to ask him a key for it, the ditch rider should have a key, everybody on the ditch should have a key, but at this point, if there's going to be a pad lock on that ditch, I would like to have a key before the subdivision goes into effect and I would basically to have a key today. Commissioner McCown – I don't know, I'll let the Parringtons address that, but just as a side light, I know that the ditch riders have put a lot of locks on the gates this year and the owners don't have keys to it, I don't know if that has happened in your case, I'm not going to go there, but I can show you several on Rifle Creek that only the ditch rider has a key. Dennis Chambers – There are several ditches that they are pad locked, but not on this ditch. Commissioner McCown – I don't know that. But, I do know that that's happened this year because of the dry conditions. Mrs. Chambers – The biggest thing is we need to know what's happening with the water before they grant this subdivision.

Chairman Martin – That is a good concern. It might be out of our realm of requirements to regulate the passing of that key, simply because we don't control the ditch, we have no authority over the ditch company. Dennis Chambers – Where this is going to become an all way through his property, we should be informed as to how this is going to be distributed down through there, right? Chairman Martin – Yes, but that would be ditch company. Dennis Chambers – No, once that water leaves the head gate, it no longer becomes a ditch company problem. It becomes the landowners, as soon as that water passes that head gate; the ditch company loses all their rights. Commissioner McCown – As long as he's not taking out more than he's allocated and we don't have anything to do with that. Dennis Chambers – Yean, we have that a problem of being shut clear off where no water is coming through. Commissioner McCown – That's a problem for your ditch rider isn't it? Dennis Chamber said, no, it's not a problem for the ditch rider, it is the property owners. Commissioner McCown – It's sure not ours, once it enters his property it's becomes a civil matter I would assume.

LaVonne Snyder, I live at Two-seventeen (217) County Road Two-twenty-five (225) and just right here at this meeting there was a, I believe on Lot Two (2), I'm, is that north of the Parringtons. I have a small map showing that I own Two-point-zero-zero (2.00) acres. There's a discrepancy here. Chairman Martin – Not on your property.

LaVonne Snyder – the easement line between the Parringtons and us is not an exact easement line, it's actually a line fence, which should be shared between two (2) property owners. With all these surveys that go on over all this time, that property line is off on the southwest corner and could go as far as Five (5) feet over on us, which it should be on the Parringtons. In that immediate area there was a septic system put in between your barn and our fence line. It's in my belief that that leach field should be Ten (10') feet off of the property line, if that is correct. If that line moves, then their leach field is on our property. Now further that leach field was permitted or not by the County or whoever does that, I do not know. I have to agree with, I notice there's not a lot of people that showed today that are having immense water problems we're not gaining satisfaction from the ditch company, And, we've had the ditch company attorney on this and we would really like to be good neighbors and not bring in our own attorney who has also been contacted. We pay our assessment and we would like to receive our water that's, this is a Twenty-four-seven (24-7) ditch; we do not need water Twenty-four hours (24) a day. Ah, as of the other day, we've had water twice in this irrigation season. We had a meeting on ditch the other night and which that has been resolved on floodwaters, we hope. But, according to my letter, which is an Exhibit, we would like to have all of this looked at prior to the approval of subdivision. In addition, so we can all be good neighbors and to get along.

We have a problem on the property line between the two (2) properties, there's an immense amount of horses. We have put in new fence to keep out their dogs. The line fences are being broken down by the horses, there is no electric fence or on the line to keep the horses from going over the fence. These are issues that we need to have resolved. We are good neighbors and what to continue to be so. Thank you for your time.

John Savage – Well, I think the one thing we can deal with and should deal with is that the ditch right of ways need to be shown on this plat. There's a little confusion about but I think Larry picked up on it that the problem isn't the administration of the Cactus Valley Ditch, there's a shared lateral, basically, out of the four people share the head gate and it's administration of that lateral that's at issue and is, and we all know the ditch company, I don't want any part of that problem. And, I don't think the County, the County Commissioners should get into the administration of the water to, we should on this plat show the ditch right of ways. So that that water can pass through to Lot Two (2) and the Chambers property, how that water gets administrated between those people, and what those problems are, is beyond the scope of this process. We will check Ms. Snyder's property location issues and again, we'll deal with her in getting her a ditch right of way. Chairman Martin – Both with the fence and the leach field issues that she just brought up. John Parrington – We got a permit from the County when we did that

leach field and stuff, we're over Fifteen (15') feet so that Ten (10') foot shouldn't come into play. Mr. Hackett of your office came and approved it and everything like that. We showed him where the boundary lines were and stuff like that, so I don't think they're ever going to come into play. John Savage – Other than that and resolving the acreage issues and the west boundary line with the Hansons, we have nothing further. Fred Jarman – Just for the record, I also have provided, the Board with a recommended motion on Page Ten (10) for what it's worth. Commissioner McCown – I guess Fred, I'd like to ask we normally have some Boiler plate in here regarding wells, as far as testing on quantity and quality and I don't see that in here. Am I missing it? Fred Jarman – No, that's correct, that's was one of my later comments to add to the Conditions of Approval, that once that those wells go in, they have to do that, they have made the request however, whenever Lot One (1), which is still the parent lot, if I'm correct and you can further articulate this, when that is finally created by the subdivision that well pump testing doesn't have to happen on their existing well, on that, I believe that is one of your requests. John Savage – The well testing, which is normally in here, is not included, therefore I didn't address that issue. But, if it is to be included then we'd ask that the existing well on Lot One (1) be excluded since that's well's been in long existence and on use; additional testing isn't warranted.

Fred Jarman – To answer your question, I'll get that information in there as a condition of approval.

Commissioner McCown – I'd make a motion that we approve the exemption from subdivision and the amended plat for the exception lot for John and Nila Parrington with Conditions One through Thirteen, (1-13), Thirteen (13) being the boiler plate that we use on our water restrictions on quantity and quality, also exempting the well that serves Lot One (1) in it's original state from that, and this will be for the new wells being permitted, and that all testimony of the applicant and the attorney be conditions of approval.

Mark Bean – What about the accepting of the plat notes for the exception lot?

Commissioner McCown – Yes, that would be included as well as, and I thought maybe I covered with my motion on the attorney's testimony that the final plat will also include ditch right of ways, accesses, all of those necessary things that have to be present.

Commissioner Stowe – With that explanation, I'd second that motion.

John Savage – Are we still requiring an amended plat? Number Three (3)?

Chairman Martin – Which was the item that was discussed.

Commissioner McCown – No, I think that you and the County Attorney reached an agreement on that one, that that one was not necessary.

Don DeFord – That was not needed for that one.

Chairman Martin – And the explanation of Eight and Ten (8 and 10) were within that testimony I think that we reached conclusions on that as well John.

Commissioner McCown – That was part of the testimony taken.

John Savage – Okay.

Chairman Martin – All right. Any other discussion? Call for the question. Motion carried 3 – 0 in favor.

CONTINUED PUBLIC HEARING FBO APPLICATION OF FLIGHT DEPARTMENT, INC.

Carolyn Dahlgren, Brian Codie, Mr. Chadwick, Andrew Doremas and Jim Hybarger were present.

Carolyn Dahlgren submitted additional exhibits: Exhibit F – June 4 and June 10, Letters from CAF and one letter from their Attorney. Mr. Chadwick, Attorney – letter – Exhibit G. Important for purposes to add in

CAF and Flight Department Leases due to references to these leases – Exhibit H – CAF Lease I – Flight Department Lease J – Airport Manager’s continued analysis included in the packet.

Chairman Martin swore in the speakers.

John Condie submitted his analysis to the Board and said an additional FBO would be beneficial, pilots like to be selective and will bounce back and forth. Still work to be done with agreements, without approval they have gone as far as they can go.

Applicant – Jim Hybarger – reviewed the concerns and questions of the Board from the last meeting and highlighted sections in his submittals. Brian and Jim have identified a parcel; Jim wrote a letter and submitted a check to complete the lease. Discussion was held with respect to the diagram and fuel farm and included a set of blueprints of the first phase improvements they would do. They have gone out and researched the issue and gave a brief example of some of the marketing efforts and are in earnest to make the Garfield County Airport more successful. He rationalized his viewpoint saying they will bring more business to Rifle; he’s had numerous calls from Aspen and with this next step they can really make it go. The argument against two FBO is not valid. Currently bought more from Corporate to show profitability and asked the Board to consider the competitive market. They will have a choice and the goal is to make it better. Also addressed some concerns Commissioner McCown had with freight companies and whether or not he was willing to negotiation fuel prices. Spoke to numerous fuel companies and they are very pleased; Rifle is an excellent place.

Todd Chilton with Corporate Aircraft Services said he also wants to expand this airport. They feel there are not enough fuel sales to support two FBO’s. Addressed a letter to the BOCC and gave Montrose as a classic example where both FBO’s failed. A lot of growth has occurred in the area and he feels they can get a lot of the traffic that goes to Eagle and Aspen. If a lack of service, then they could not serve the clients. Without the revenue, they feel they cannot grow. Fuel Sales come to Rifle because they cannot get in at Eagle and Pitkin Airports for fueling.

Glenn Chadwick provided comments saying in his opinion; the County has the discretion to have two FBO’s. Corporate would ask to evaluate the Airport Master Plan and might add to the determinate to the County. Chadwick, a pilot and complimented Corporate Aircraft.

Brian Condie - A Master Plan calls for growth and includes fuel sale. Thus far they have not had any ramp issues, but Brian will address these. Peak days, ramp is adequate for 90 – 95% of the time. He submitted the Diagram and scheme for ramp space and said in two years from now, Corporate Air will be in the best spot and if anyone suffers it would be the Flight Department. Carolyn asked to submit the sketch plan dated June 11, 2 pages also a sketch to go along with it. Chairman Martin made that Exhibit K.

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

Commissioner McCown made a preliminary comment, the Flight Department and Corporate Air is very fortunate that got to have a Public Hearing on whether or not we need another service at the Garfield County Airport. Being a business person himself, he doesn’t have that luxury when another competitor wants to move into my area and establish a business that is exactly like mine only newer, brighter, faster, cleaner, sharper – the free enterprise system of the United States allows that to happen. Sheer will and financing are the only two things that prohibit that. If an individual has the will and financing there is nothing in Colorado or Garfield County that limits the number of services that a City/Town/County can accommodate. With that, Commissioner McCown made a motion to approve the application for a FBO by the Flight Department with the conditions that have been attested during the testimony given today and prior testimony along with the conditions referencing tie-downs (Brian said they asked for 50 and because of their projected fuel sales at 20%, he said he would give them 20% of the tie-down as a condition and those 20 will be chosen by Brian) (clarified that this was testimony previously given) and Commissioner McCown included that within his motion as a condition and any other testimony that has been given.

Commissioner Stowe seconded and said he would mirror Larry’s comments as far as free enterprise system and appreciates everything that Corporate Air Services has done for the County; they’ve gotten a return on their investment over the years too. Garfield County is in a growth state and so is the Airport and thinks there will be room for both FOB’s. Chairman Martin – The Corporate Air Services have been a great partner with Garfield County, they have brought us a long way and a tremendous amount of work with the Board and two different Airport Directors. He added he hopes that continues and hope we have a strong relationship with him and they do have the upper hand in this. Hopes they will be understanding that there is a new kid on the block. Motion carried.

CARBONDALE TRAILS REQUEST FOR COOPERATION AND SOLICITATION FOR FUNDS – JOHN HOFFMAN

Randy Russell and John Hoffman were present.

The Carbondale Trails Committee has been dedicated to the development of pedestrian/bicycle trails and paths in and around the Town of Carbondale. The Trails Committee is requesting your consideration of assisting in development and funding of these projects.

Project #1 – Request for Matching Funds of \$20 - \$40,000 for FY 2003 for a Pedestrian Crossing Light at Hwy 133 at the Rio Grande Railroad Crossing. Project #4 – A line item in the Garfield County Budget of \$100,000 yearly for construction of the Rio Grande Railroad Corridor Trail from Glenwood Springs to the Eagle County line in El Jebel. The trail would be maintained by RFTA in perpetuity.

John Hoffman gave a history of the Sutank Bridge and asked the Board for permission to pursue the opening of the Sutank Bridge for foot traffic. Chairman Martin sees this as a benefit, budget wise they have not budgeted for anything, and then there's the question of labor issues and how to get this done.

John – if they go for historical funding, it will limit the scope of the use. It is part of the trail systems and a water park would be affected, the railroad corridor, this would be a vital connections. The section of that corridor would be connected to the Sutank Bridge. Needs:

Engineering inspection and may be some trusses replaced, Tom Russell noted at the top of the deck it would be possible to place a concrete bed that would make is surfaceable to the public – a light weight material. Commissioner McCown said this would have to be a C-DOT function. This will trigger the LOVA trails, and other trails – a \$100,000 would create an issue with those potholes in the roads. It is Garfield County's bridge and what we spend on it is our responsibility. Commissioner Stowe felt at this time we should proceed to investigate it and see if C-DOT will do an inspection. Chairman Martin agreed it was good idea.

HUMAN SERVICES COMMISSION

Ron Limogenes – Community Development, provided the Board an update on the aspect of Garfield County Commission, Community Representatives saying they have been cooking meals for the fire crews and otherwise involved with the Humanitarian awards.

A motion was made by Commissioner Stowe to go into the Board of Health. Commissioner McCown seconded; motion carried.

BOARD OF HEALTH

Healthy Beginnings – Wanda Berryman

The good news with the efforts to get women in during the first trimester was a total of 30 since the beginning of May. Last year at this same time period, they had only six new clients. Through May of 2002 they had enrolled 159 as opposed to 124 last year. Now they are focused on ways to care for these increased number.

Margaret Long reported for Mary saying Public Health has been very involved in the Community MAC team effort June 8 – 10th. The entire County had tremendous cooperation. Janice George lost their home, also the nephew and son as well.

Budget Information

a. Update on CDPHE budget information and Public Health role in the CO MAC

Mary explained the nursing contracts will be reduced by 4% and new contracts will be issued. Even though they may make cuts, they still had some funds from this year and this makes flat funding for Public Health.

b. Update on CDPHE budget information and Public Health role in the CO MAC

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Flu Vaccine has been order, slight increase in cost and hope to increase the charge for this in order to break even. ½ is a private order to provide services for the elderly and at risk and the other is through the state multi-contract.

Quarterly staff meeting with Healthy Beginning – Wednesday

WIC - 1,108 clients. Christine Singleton reported on a grant from the March of Dines in the amount of \$1,875. Staff attends a class for Spanish teaching for the line staff. Staff did assist at the evacuation center at and resource center at the High School.

Public Health Team – Coal Seam Fire – appreciated the incident command training.

Chairman Martin – Nancy Frizzel felt she was slighted for quite a while and would like them to include them on a better time frame.

The Tobacco funds will go through Valley Partnership and funds no longer through county. Mary will bring a report

A motion to come out of the Board of Health was made by Commissioner McCown and seconded by Commissioner Stowe, motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; motion carried.

SOCIAL SERVICES

a. DDS Placement Contracts/Signature Authority

Carolyn Dahlgren explained that Lynn Renick, Margaret Long and she, at Carolyn's directions, have been working on a set of form contracts, some similar to our Human Services Contracts and other more like the County's "independent contractors' contracts, while others are based on state-mandated forms or "form paragraphs'. In compliance with the dollar amount the Commissioners have placed on some contracts of \$10,000 and under, they would have the administrative authority cap. Therefore, we will be proposing a Resolution regarding signature authority for these contracts, asking Margaret A. Long, Lynn Renick, and Lisa Pavlisick share the authority and review the enclosed descriptions of the contract categories which we will be discussing Monday. Lynn prepared the purpose and scope of services definition for "core services", foster care, subsidized adoption, "CPA", "RTC" "RCCF", and professional services contracts.

- a. *Purchase of Service Contract - Core Services Program* - Colorado West Mental Health Center for **mental health** services; Colorado West Mental Health Center for **substance abuse**; Mountain BOCCES for **Adolescent Day Treatment**; Family Visitor Program for **Life Skills**; and **Life Skills and Intensive Family Therapy**
- b. *Individual Provider Contract for Purpose of Foster Care Services and Forster Care Facility Agreement (CSA 7A)*
- c. *Subsidized Adoption Initial Agreement and Renewal Agreement (CW-SA-4)*
- d. *Agreement to Purchase Child Placement Agency or Residential Child Care Facility Services (SS-23A)*
- e. *Purchase of Service Contract – Independent Contractors*

Commissioner McCown mentioned that he did not want to give department heads authority to sign contracts outside of the County Manager. 4-925 –

Margaret responded saying the largest volume of contracts run 45 – 60 contracts and becomes a paper management issue so there needs to be some type of management to stay on top of the immediate contracts. The dollar amount varies from in dollars and begins July 1, 2002. Commissioner McCown – a concern over this issue. Lynn Renick said they do not know how long of a contract for placement and hope to put into the monthly contract the dollar amount and the term. They can sign the first month of care and then bring it to the Board. Currently there are no placements that exceed \$10,000. Commissioner McCown – with the signature authority of Ed Green and Jesse Smith there should not be a problem.

Carolyn identified there were two types of contracts. Commissioner McCown clarified that he was only concerned about signature authority. For the point of discussion today, forget about the placement type, the big ones may still have to come before the Commissioners, but that is the way they want to keep it.

Margaret – a logistical point, we have Ed or Jess sign something that is for less than \$10,000, then we get into the 3rd month, and we are getting into a longer amount. When do we bring it to the Board and when just to Ed. Commissioner McCown – smaller increment time frames with smaller dollars, Margaret said they can get signature of Ed or Jesse. Lynn Renick mentioned that she would prefer to bring them to the Board. Commissioner Stowe felt the same as Larry on the signature authority. Margaret mentioned she thought all of these would come before the Board. Carolyn mentioned line item approvals. Ed mentioned Budget procurement and signature authority were two different things. Lynn – on the placement contracts, the names of individuals would not be open to the public. There is a State ID number on all cases. Lisa Pavlisick was present. Procurement Manual – create a Resolution that formally accepts 10-10-01 Manual.

b. State Childcare Licensing Contract

Margaret reported on the status of the contract. She recommended that the Board enter into this agreement unless a decision is made not to continue the licensing contract.

Motion – Commissioner McCown made a motion and seconded by Commissioner Stowe to sign the State Childcare Licensing Contract for \$1.00; motion carried.

c. Regional Childcare Project – 5-County IGA

d. Tri-County MOU

An amended Intergovernmental Agreement was submitted. This will maintain the umbrella of the five counties and maintains the spirit of what has been going on with the five counties.

Garfield County is shown as contributing 70% \$35,818 plus \$16,084.

IGA is in the form signed by Eagle, the Tri-County MOU needs to be done with Margaret's handwritten changes and add Pitkin County. Today, sign the 5-County IGA. The dollar amounts are solid. What Margaret would like to see is that the Board gives the Chairman authority to sign the Contract, after the amendments have been made by the County Attorney.

Margaret requested authority to sign the licensing contract with the State; and she requested that the Chair be authorized to sign a properly formed MOU when the precise numbers were determined.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the amended IGA agreement between Eagle, Pitkin, Lake, Summit and Garfield and to sign the Child care agreement, the one prepared with Pitkin and the correct number inserted. Commissioner Stowe seconded. Motion carried.

e. Revenue

Margaret – Good news and told the Commissioners where this needs to go. She included in your packet, Colorado did meet its work participation rate and we got money. And included in the packet is the money that will be coming in. This is the amount we want to look for 0 \$52,844. This money is one of the few times that it's "no strings money" and the Board could patch the Henry Building Roof with it or Mountain View, but she was here to urge the Board to earmark this for the Social Services Fund. The Board doesn't need to make this decision right now, but the money is there. Whether we get this bonus next year or not is still left undecided. Colorado, as most of the States, are beginning to struggle between the recession and the people that are left on the welfare roles – it's pretty hard to meet the work participation, although we did need it last month for our County, so let's hear it for Lisa, Janice and Clu. This is \$50,000 worth of revenue that maybe could plug some holes that are rapidly beginning in the dike.

The bad news presented in a handout – we are the administrative agent for Colorado Options for Long-Term Care, also know as the Single Entry Point, covers nine counties and we have been serving seniors since 1992. Up until now, we have never used any County money. I think it is going to be close for the year cost, I knew that next year we were going to look at being slightly over because of the health insurance, etc. One of the ways that the Department of Health Care Policy and Finance has decided to deal with the 4% hit they took with the governor's action is to start cutting back on contracts and providers, and quite frankly I don't think we're going to get anywhere on the cut-back in the contract. That's an administrative decision. There was a full meeting of the Medical Board that issues the Medicaid rules on Friday, Diana Rice from Mesa, one of the spokesperson for the Consortium of Long Term Care Agencies was there, and today at 3:00 PM, she and Margaret have a scheduled conference call. It wasn't just the contracts that took a hit; it was a lot of other things that relate to client services. In actuality, Garfield County is taking less of a hit than any of the other Single Entry Point Agencies, because we are such a large multi-county agency and that gives us a larger initial base. Margaret submitted a hand-written memo showing the shortage, we didn't get cut back the full 7% but she wasn't sure as she works with the other eight counties that she has to emphasize this anyway. One of the things we are going to need to look at is do we spread the pain across the nine partner-counties. That would be her initial proposal unless the Board directs her otherwise. We still take the major hit because we have almost half of the clients. I think we are in a position as an association of agencies to do some contract negotiations and say all right, we accept the fact that you can't give us more money but you are going to have to subtract some things from your expectations and instead of doing that Friday, they added things. So, we need to add what they subtract both what they added in as well as some other things to get it into a manageable operation.

Commissioner McCown asked Margaret to explain to him the numbers – the contract for 7/2 through 6/3 and \$362,000 and contract for 7/1 through 6/2 original \$359,000 adjusted up to \$379,000. Now does that come off of the \$404,000 amount, because that adjusted amount is only reflecting at \$20,000? Margaret said the adjusted budget is the County budget, the expenditure side of the equation. We were already looking at taking a short-fall because of Herman Miller monies that anticipated health insurance so she was already looking at a \$20,000 shortfall between revenues and expenditures. It is hard to tell this year because we have a lot of stuff in flux and based on prior years, she had hoped our new contract when it came in would come close to that, and so if we put in a few thousand dollars it wasn't a big deal. Now we are looking at a lot larger amount. Commissioner McCown – if we budgeted \$404,000 and our contract was \$362,000 and it went up to \$379,000 we've still got money in there to cover it. Margaret said we have County money in there, Larry. Commissioner McCown –how was the \$404,000 marked initially? Margaret

– that was in the County budget but part of that came in at the end of the budget season with the salary increases which were done as a separate budget action as well as the health insurance increases, so that's what bumped it over expenditures over revenues. Which is normal in a lot of programs, she just tried to keep this one within the only Federal and State dollars. Commissioner McCown – I'm not seeing the shortfall. If I look at the numbers you've given me on this sheet, the money is there. Margaret - we have the money if we want Garfield County to pick up all that shortfall, and it's a larger shortfall that I had anticipated it would be over time. Ed – so you're saying it would have to come out of existing fund balance in Social Services. Margaret – or adjust the mill levy and I don't think on regional programs we should go that way. Commissioner McCown – But it was already budgeted. Margaret – it was for this calendar year; remember we're working two fiscal years here too. Commissioner McCown – what is the contract that we're talking about from 7/2 – 6/3? Margaret – that is the contract from the State, the Health Care Policy & Finance. Commissioner McCown – what is the contract we're talking about for 7/1 to 6/2? Margaret – that's the previous years that not ending contract, it started at an original amount, we knew that if we met certain quotas, it would go the \$379,000 and that's what we got. Commissioner McCown – so it went up approximately \$15,000. Health care finance – 71 – 62 previous years and started at the original amount, it went up approximately \$15,000. He still can't see where the \$42,000 came in. Ed – is the \$42,000 the difference between the \$404,000 and the \$362,000. Margaret – that's correct Ed. Commissioner McCown – but the \$362,000 is not even a good contract anymore, it went to \$379,000. Margaret – no, the \$362,000 is the one they're proposing for us to sign which I'm proposing you not sign at this point starting July 1. Ed - \$379,000 is history, that's what happened and closed out on the second of June. Lisa Pavlisick – we're probably looking at a \$36,000 roughly shortfall because we have to adjust it for the 6 months of the \$379,000. Don said the actual budget amount is to the end of this year and not the middle of 0/3 so that Lisa was correct, the shortfall is not \$42,000 it's something in-between. Margaret – and it depends upon which fiscal year you're talking, County fiscal year but she has to project, and there are all State fiscal year contracts so it's a constant projection. We do the same thing in all of our major allocations. I only have a for-sure figure for 6-month. The way they're doing negative supplements, it may be less. Ed – so you're up \$20,000 the first six months roughly and then you have the potential of being down \$40,000 over the next twelve months. Margaret – correct, that's a possibility. Ed – so it's conceivable by the end of December you could be tagged at zero. Commissioner McCown – or at least a \$20,000 deficit. Margaret – right, but she doesn't see this changing over the next couple of years. What we have been able to draw on pretty close for the nine counties is changing the environment financially. She knew once, but only after we did the salary increases that we were already in the soup with this program to a certain extend. Most places are putting county into these programs, we just happened to be able not to. So, she has probably overstated this amount, because this is an opportunity to go to table with all nine counties and say, what shall we do, do you want to pony up your proportionate share of running this program. Commissioner McCown – and if they don't, that's the question. Margaret said what happens is they can pull out and then the State will have to find another contractor, only the State hasn't had very good luck finding other contractors for Medicaid Programs. If they pull out, they also pull out their \$8,000 base. So, she would actually just as soon this not be spread out. Commissioner McCown - Moffat will be asked to contribute \$8500. Margaret – they are actually the only County other than Garfield County that I felt was a significant amount of money. But they also have 72 clients that benefit from this program and they have very good services. Ed said it doesn't sound like this is going to adversely affect our current 2002 budget. Margaret – no, we can live with that but she is trying to learn on these regional program that the Board has directed her to work on to structure things in some kind of relative ration fashion, when we do have these deficits, to spread them. We've never been able to recoup our total administrative cost on Single Entry Point, it's very difficult to do that, she felt this was worth it, who wants to not provide good services to the elderly and disabled. But she didn't want to go here until we see if we can hammer out a better contract with the State. This was an awareness issue. Ed – if we distribute these costs, there's an excellent chance of having a zero impact. Margaret – but I believe in regional collaboration but also think in going a little extra mile, on the other hand, I don't think Garfield County should be giving away stuff with great largess, nor does it promote the kind of partnership we want to have. There is a contract on her desk but she has opted not to bring this forward because she wants to negotiate a better contract. Carolyn wasn't the time-line for the State, is it the same laborious contracting procedure. Margaret – it's not quite that laborious but thinks it will be bloody. Basically, what they're going to do is withhold payment to the different 19 agencies in the State until they get signed contracts. Assuming we hammer it out, it will go back to July 1. It is doubtful this will be settled by July 1. Mesa is a stand-alone county and does not intent to pull out. Margaret said we actually have six clients in

Jackson County. Don asked if we didn't have a contract in place by July 1st, is there any chance or possibility if there would be a permanent revenue loss? Margaret – possibly but I doubt it, they couldn't find anybody to do medical transportation, they were going to out and get a broker for that, they couldn't do that, they dumped it back on the Counties. Lisa's been trying to unravel that and deal with it. Basically, it's an unfunded mandate. Carolyn asked it would resort to a month-to-month letter agreement kind of thing like the one we were talking about. Margaret – we've never been there before, so she didn't know. This is the importance of taking the 3:00 PM conference call in order to see how that plays out. This was only informational and she will have something before the Board on July 1st unless the Board wants to just sign a contract. Board - no. Margaret – I doubt that this is the last to be seen on the repercussions. The only thing she saw was from the lobbyists, Pat Ratliff that we are not going to get a hit on the TANF funds at this point.

f. End of the Year TANF Transfer

Margaret submitted a handout and explained that at the end of each fiscal year, sometimes we've had the luxury of going up until the end of the federal fiscal year, but the state fiscal year, we have the opportunity to tell the state, okay, we haven't spent X amount of money and we would like to move some of that money – that's what we've been doing to pay for the child-care project; over too the child care project or child welfare activities to do things like that. John Jacobs in accounting has been working diligently on this the last week. We have it pretty well nailed down pretty close, but there are some intricacies about the exact dollar amounts. What we want to do is make sure that we transfer every dollar we can into either the child care project, anything that Lynn Renick needs in Title 20 and the rest to our county reserve. If we just let the State gobble it up, then we could only access it back for half the money and it is very limited, so on this one, I would like authority, it's not a really a contract, it's a transfer amount for either me, Jesse or Ed to sign that thing as close to the 30th of June when we know the exact dollar amounts we want to move. Ed – this is a funding transfer. Margaret – yes. Then we can move it around once we've got it. But, it's us moving it and not the state. Commissioner McCown - how do we move that around literally without a budget amendment? Margaret – we have to do that too. Commissioner McCown – so it's going to be July 1st before we can move it anyway at the earliest. Margaret – it is a revenue stream, it's coming in and it sits there as revenue that can be pulled down. The expenditure side obviously if it was going for something new, you're going to have to handle through budget process. Commissioner McCown, but my line of thinking is we could move it before the first of July before the states gets it back. Margaret – we have to have the transfer request in prior to the first of July. Commissioner Stowe – but it's within our own system. Margaret – once we transfer it, it's within our own system, and it's not now. Ed – we have to get it from the state into our system then we can do what we want. Commissioner McCown – but we don't know how much to ask for. Margaret – we're close, within \$5 - \$10,000 one way in three different pots and John Jacobs will be working with us on Friday to get that submitted. Carolyn – before we leave money, that \$52,844 that you requested that the Board (the revenue) the good news that you requested that the Board place in the Social Services fund. Do we need a vote by both of the Board of Social Services and the Board of County Commissioners or just the Board of County Commissioners because it is money that could go anywhere? Don – this is an issue or two back, what was the source of the funds? Margaret 0- it is the bonus for being the work participation rate on TANF – a federal bonus. Don – where are you going to put that in the Social Services fund? Margaret – in the fund balance to be pulled down. Don – it has to be a line item in there somewhere. Carolyn – but Margaret wants to keep it there rather than in General Fund. Don – where is there? Carolyn – in Social Services versus General Fund. Commissioner McCown – in Social Services General Fund. Ed - It could go into General Fund. Margaret – or Road and Bridge or ... Ed – that a little far-fetched, general fund maybe. Margaret – actually, you could do it. Commissioner McCown – we could do it. Ed – it's general fund money. Commissioner McCown – exactly we could, if it comes back in the general fund, it's ours to do what we want. Don – why can it be General Fund money? Margaret – because it has no strings attached. Don – whether it goes into the Social Services or the General Fund, there needs to be a line item within those funds to which it's designated, doesn't there? Margaret – Lois is here and I'll defer. Lois - it would not only be a line item, but we would need a budget adjustment at next budget adjustment meeting because it's unrecognized revenue at this point so when we know the dollar amount, we'll discuss it and have Jesse put forward a budget amendment and then whatever appropriated expenditures you choose. Commissioner McCown – they can go into Social Services. Don – before the Board acts on it, shouldn't they actually have that in front of them. Ed – if we put it in Social Services, could we later opt to put it in General Fund? Don – No. Ed – but if we put it in General Fund, we can opt to put it into Social Services. Don – No. Margaret and Don have a history of it. Don – before you designate

the fund it's going to go into, you need to decide where it's going to go and because we're in a line item budget situation, that's why general appropriation to the General Fund or to the Social Services Fund is not adequate now, you've got to have a line item that it hits. Ed – my concerns is public health, I think they're the ones who've taken a real hit. Mary Meisner –speaking of that, it's going to be flat. Ed wasn't aware of that news. Carolyn – so what I'm hearing is we can't act of that today anyway; we can't even make a general decision. Margaret – so you could just contemplate what you want to do with it, it's your decision. Chairman Martin – we're sympatric Margaret, we'll try and get it to you. Margaret – thinking ahead to the budget process knowing that they're probably going to be some revenue deficits, I'm not at all sure that you're not going to look at some slight rearrangement to your mill levy that you're doing however, to the extent that you can put money into the Social Services Fund and not have to raise that mill levy in an appreciable way might be politically more palatable. Don – keep in mind when you talk about raising the mill levy, it goes down somewhere else and we're only hoping no one challenges that, no one ever has around the State. Margaret – right, that little Tabor tidbit. Don – but if it goes up in Social Services, it's going down somewhere else. Carolyn – should we continue this discussion until July 1 or will it take more time to talk about where this \$52,844 goes? Margaret – I think that we have discussed it; I think Lois knows to look for it, and then a proposal Jesse or Ed can ask direction from you about where you want to put it. You've heard where I'd like you to place it. Commissioner McCown – but which specific line item in Social Services do you want it in? Lynn Renick said her assumption would be to put it in TANF- its generated revenue. Commissioner McCown – it's left over from TANF, it should go back into TANF. Commissioner Stowe – you're going to have a problem spending all the TANF dollars. Margaret – correct, I'm not sure it has to, I think we could put it into a deferred revenue account that would have a variety of options available to it; we have other deferred revenue accounts. Put it into a flexible deferred revenue account and then pop it into where it needs to go, for instance to the Single Entry Point, we could make up what I see as the deficit depending on the year. Commissioner McCown – I don't know if it's that easy to pop it into an account where we need it if you design it for a line item when it comes in. Margaret – agreed, why couldn't we make it a differed revenue account? Don – you can or you'd probably look at a contingency, I'm sure there are more than one in Social Services fund. Lois – that was my first reaction was to put it into a contingency line item i.e. Social Services General Fund. Let's let it sit there until we can know; it would be my suggestion to put it into – each of our funds and each of our departments have a contingency line item in the 2002 budget. Let's put the \$52,844 into either general or social services contingency until we see where the most direct need is. Margaret – if you put it into general fund, it's going to stay there. Mildred – it can't go back to Social Services. Ed – that's what our esteemed County Attorney is telling us. Don – that's what's supposed to happen. Margaret – you should have seen what he did to me when I moved some fund balance over to Road and Bridge about 1987 because they were so broke and I had money in there; I got my hands slapped big time, so I haven't done that since then. Don – the initial determination is important, so if you think you're going to need it for Social Services, it's better to start in a Social Services Contingency. Carolyn – Margaret is there any time drop dead date on this like the end of year TANF transfer, or can we just put this off until whenever in July. Margaret – I think you can put it off, it's when the check comes, we can always not put it in the back right away; we've got time on this.

f. Certification of Warrants Issued – Lois Hybarger

A motion was made to go into the Board of Social Services by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the WRAP Contract under BOSS; motion carried. Programmatic summaries were approved in a motion made by Commissioner Stowe and seconded by Commissioner Stowe in the amount of \$96,575.33; motion carried.

Reviewed reports – monthly placements are up. Margaret was looking for foster homes.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Social Services, carried.

g. WRAP Contract

The Board of Social Services scope of services was written by Margaret. This was explained in detail at the May 20, 2002 meeting. The \$10,000 flow out of budget to Youthzone. This is a separate item in the child Welfare.

Margaret requested authority of the Chair to sign the WRAP Contract. Commissioner McCown so moved; Commissioner Stowe seconded. Motion carried.

h. Vehicle Safety

Margaret made a request to allow the BOSS to have unmarked cars so the neighbors would not recognize that it was Social Services. We would like all child transports to be done in County cars versus the use of personal cars. Lynn explained when they go to a home to remove a child and do not have law enforcement, it becomes a safety issue; not in every case but when they would determine, i.e. River Manor – when a County car drives up they know it's the Social Service Caseworker and presents a safety and confidentiality issue.

Commissioner McCown said this would escalate the situation and felt that vehicles belonging to the County remain that they are clearly Garfield County; Commissioner Stowe agreed. The policy remains as always before, the cars will have the Garfield County logo.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; motion carried.

Minutes Approved for 2002

Minutes of the Board of County Commissioners, January 21, 2002,, February 4, 2002, February 6, 2002, February 11, 2002, February 11, 2002, and April 25, 2002 were approved by a motion made by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

Executive Session – Continued Session - Litigation Issues, Property Acquisition, CBC and Lease Request from Lift-Up

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into a continued executive session to discuss the aforementioned items; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of executive session and to adjourn the meeting; motion carried.

ADJOURN

Attest:

Chairman of the Board

JUNE 21, 2002
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 Friday, June 21, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown via telephone were present. Also present were Assistant County Manager Jesse Smith, Operations Dale Hancock, Human Services Judy Osman, Assistant Carolyn Dahlgren, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

EXTENDED THE RESOLUTION DECLARING LOCAL DISASTER

Guy Meyer reported we were in the recovery phase. FEMA is here and from now on it will be a 75% - 25% cost distribution. Guy indicated that there is no longer a need for declaring the local disaster resolution and the Board decided to let it expire as of 9:00 A.M. tomorrow. The FEMA Logistical Center is located in the Colorado Plaza; Davis Harris donated the space. This will be set up on Wednesday of this week.

REQUEST FOR EMERGENCY WATERSHED PROTECTION FUNDING - NATIONAL RESOURCE CONSERVATION SERVICE

Dennis Davidson and Guy Meyer were present.

Resources for the Mitchell Creek – Watershed Protection

Dennis explained what transpired in the past with these fires we have implemented Emergency Watershed Protection Fund (EWPF) and presented a letter requesting the implementation of that program to the State Conservationist. In a day or two they will come back with an agreement between the County, Soil Conservation Districts and Natural Resource Conservation Service. This fire did burn lands are within all three Soil Districts within his area so all three will be co-sponsors with the County. This same type of arrangement has been done in the past, the Battlement Mesa Fire, 3 years ago and Storm King Fire 9 years ago. The BEAR Team is developing a plan and they will do the implementation of that BEAR plan that is on private property. This program is directed toward private property not federal lands. The estimate has not been completed. Dennis said the type of action he needed from the Board today was just to have the Chairman sign this request letter to start the ball rolling so that we can get the program implemented. Don presented the draft letter and Dennis said he will supply Don with any information they need if there are changes, however, the letter is ready to go and it will suffice. Don said we need a motion authorizing the Chair to sign a request for emergency treatment assistance to be followed by a formal agreement with cost estimates when that is ready for action.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

DISCUSSION – COURT SPACE

This was postponed due to Commissioner McCown being unable to attend.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this discussion with Judge Ossola until noon on Monday, June 24. Motion carried.

DISCUSSION – EMERGENCY PAY

Judy Osman was present and explained the confusion and reaction creating disgruntled employees over the lack of pay for the Monday, June 10, emergency declaration by the County. Judy explained the Personnel Policy and said the employees have choice to take the day as a non-pay day or MSL. If called to work outside of normal business duties, the employees will be paid 1.5 times the normal pay; or if they are called to work at a different location, they are paid 1.5 x's normal pay.

Chairman Martin – what it amounts to is the Board told the employees not to come in due to the safety issues and I-70 closed.

Mildred commented that the Personnel Committee has decided to review the Policy at their next meeting.

Commissioner Stowe made a motion to stay with the current Policy. Commissioner McCown seconded. Motion carried.

Resources – Request for Equipment

Dale stated the BEAR team is made up of the Forest Service and BLM and they are now starting their clean-up from the fire. Yesterday he was presented with a request as pertains to the Mitchell Creek drainage to see if the County would be able to provide additional resources in the form of 2 –3 tandem dump trucks and operators; two front-end loaders; and a place to dump the material. Dale contacted Road and Bridge to see if they had the equipment and manpower to handle the project. After discussing the situation, the Commissioners felt this would create a hardship on other projects and decided to pursue a

private contractor. The price was estimated to be about \$65.00/hr. on the trucks and depending upon the size of the loader up to \$75.00/hr. However, the County would only be paying 25% of that cost.

Don said if we follow that arrangement, does the county contract for this and then provide it, or does the Forest Service or BLM contract for it and we reimburse them.

The Board decided it would be best to have them pay for it and reimbursement directly from the sources. If this material goes to the City South Canyon Landfill, then 25% of that cost can be included as in-kind.

Jesse said we will get with BLM and the Forest Service to do the contracting and the County will supply them with the lowest bid; upon billing us, the County will pay 25% of the cost.

Commissioner McCown recommended proceeding with the arrangement of contracting with a private contractor and then reimbursing them the 25% upon the presentation of the bills and framed that as a motion. Commissioner Stowe seconded the motion; carried.

RECESS

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until noon on Monday, June 24, 2002; motion carried.

Attest:

Chairman of the Board

JUNE 24, 2002
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 Friday, June 24, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown via telephone were present. Also present were Assistant County Manager Jesse Smith, Operations Dale Hancock, Human Services Judy Osman, Assistant Carolyn Dahlgren, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 12:00 P.M.

DISCUSSION – COURT SPACE

Judge Ossola was present.

Previously, in the July 17, 2002 Commissioner's Meeting, the Board discussed the court space issue regarding Room 301, 302, and 305 requested by Judge Ossola to be available for the courts. The Commissioners requested notice be given to the Judge that these rooms would remain as space for the County.

Judge Ossola said that he was in a time crunch due to the Court's budget goes from June 30 to July 1, 2003 – due to the Governor's veto on Court Furnishing, asking for some commitment on use of the 3rd floor to justify the spending of \$20,000. Jim Bradford has been putting the purchase orders together. Basically spending money to purchase chairs for Room 302 for public seating counsel tables and chairs and judge chair, recorders and equipment for use as a courtroom. In the Administrative Suite – some furnishing will be purchased. Their goal is to use as much of the \$20,000 as possible. If not by June 30, there will not be any money until 2004. They are looking at the meetings of the Board and the concerns expressed for giving the Court, Room 302. Judge Ossola said he thought that the Board had the impression once the court began using 302, the County would not have access for use of the space. That is not the Judge's position. The hearing space in 301 would be used for general use. They have the experience in Pitkin County. The BOCC hearing room would be available in case of a need for additional meeting room space. However, the judge requested that room reservations for Room 301-302-305 be handled through the Courts. He agreed on a multi-use for the Room 301 and suggested to set up a calendar on the courts computer to reserve the use. Go to Pat Peterson and set it on the calendar on a first come, first serve basis. This has worked now for 2-years. He recognized the fact that there may be more need to use this space by the Courts; there's 1 ½ day routinely and specifically three Tuesdays when we hear juvenile delinquency and on Wednesday morning and Wednesday afternoon they have hearings for Child Support. The courts know the dates when elections will be held and when Mildred needs the room, she can schedule those with the court. If Human Resource needs it for a training need, or some other offices, and the Court had a hearing, Jim Bradford could assess the court's space and possibly reschedule. He would like to firm this up where he feels comfortable spending the \$20,000 and using the room. The furniture in Room 301 would be a Judges bench, witness box - however, wants to construct it to meet continued need for the room by the County. For now, they can use a conference table. Don's conference table will not be used in the Courthouse Plaza and the Judge requested to use it for a Judge's bench. Commissioner McCown concern regarding the preliminary request, as relayed to the Board for access of the room, was such that it would prohibit use as multi-purpose.

But if we could use it for overflow for the County uses, then order the furniture. The Judge likes to use the dividers and sees this handy to divide Courtroom D. Commissioner McCown - if someone wanted to use the space, then the rooms could be specifically referenced as D1, D2, and D3 and keep it flexible. Judge Ossola said the judges use good business practices and are accustomed to being flexible. He understands they need to purchase chairs.

Elevator – modification to change. The Judge can use the stairs, but there will be pressure to do that. Ultimately it does need to be done, but not at the present time. Commissioner McCown – what about changing the door or move a wall. The Judge needs a secure holding room, a room where an officer can be in the room. No need for hard steel. We are beginning to encroach on the Sheriff and he may have some views. A room used as a holding room; we must get away from holding those individuals in the jury room. They were bringing them in a 1:30 P.M. and now they are bringing them in a 3:00 P.M. and bringing them in one-at-a-time. The storage room is probably enough room for 3 – 5 people to sit in a chair. Judge Ossola until we can get it in, keep the same schedule for calling the juvenile, hold them in room 304. Commissioner McCown – suggested using the elevator to the 4th floor from the basement and bring them

down to the 3rd floor. The old elevator is still there – this is a possibility as well. Judge Ossola - Building and Planning space is not needed immediately but plan to use the juvenile probation officers there. Commissioner McCown – we will be moving the building and planning to the Courthouse at the same time as the other offices, so this space will be available. Judge Ossola talked about changing doors, but he was willing to let that slide. Commissioner McCown said they need the Courts ideas for the remainder for 2002 and then the projected needs for the 2003 budget. Judge Ossola – would like some sort of door that separates the County Attorney from the other offices.

The direction was given to the Judge that he could proceed to order his furniture. Don DeFord stated the Courts could have his conference table.

FEMA

Dale Hancock – update on requesting funding for the mitigation that includes the clean up of Mitchell Creek Drainage for front-end loaders. He reviewed the former discussion held on June 21, 2002 where discussion was held on the 75-25 percent contract with FEMA. There are no funds in the Soil Conservation District for watershed protection. He said he had been in contract with both Congressman McInnis and the NRCS office and the money is not there. There is a bill introduced by Sen. Allard but it's tied up in the Congress. If we commit to doing this work, it's on private property, and there is no money, what does the Board want to do? The financial team of FEMA is meeting today on this topic. The Division of Wildlife was questioned as to why they aren't protecting their interest in the Mitchell Creek Fish Hatchery. Tim went ahead and line up the contractors; all that was premature. FEMA will try to get the private homeowners who had private protection with homeowners insurance at the High School on Thursday and discuss flood coverage.

Commissioner McCown noted that the entire area affected by the fire needs to be protected for slides.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter to FEMA for possible mud and debris flow mitigation funds.

Discussion - Dale was directed to contact the Division of Wildlife regarding their mitigation plans for protecting the Fish Hatchery, and to forward a copy of any correspondence to Congressman McInnis so he can keep in the loop. A copy of this letter is also to go to the office of Emergency Management as both the City/County requests were made to FEMA. Motion carried.

HICKS – CONDITIONAL USE PERMIT

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the request for David Hicks Conditional Use Permit to change the status of employee housing to free market units until July 8, 2002 at 2:00 PM ; motion carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn until July 1, 2002; motion carried.

Attest:

Chairman of the Board

JULY 1, 2002
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 1, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Award Bid to United Companies for Paving Various County Road in Amount of \$118,589.93 – Tim Arnett***

The bids for paving various County roads were reviewed. Tim recommended the award be given to United Companies for \$118,589.93 that will cover the cost of: Fairgrounds - \$8,758.92 and \$3,765.12, CR 293 - \$62,915.94 and CR 300 \$43,149.95. The entrance to the Fairgrounds will be completed by the 17th of July. Tom Russell stressed the importance of having this completed before the Fair.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the contract to United Companies for \$118,589.93. Motion carried.

- ***Discussion – Child Care – Margaret Long***

Margaret Long – TANF - the meeting was held on June 17, 2002 however, a motion was never made concerning the transfer of the funds into the Social Services.

Meeting – Board of County Commissioners and Board of County Social Services.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman of the Board of Social Services and the Chairman of the Board of County Commissioners to sign the TANF transfer; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; motion carried.

Child Care Licensing Contract – Margaret updated the Board saying the MOU has been signed by Eagle and they are in the process in Pitkin County.

Children in the Office – Margaret stated she had implemented the policy of no children in the office upon the move into the Courthouse Plaza Building.

- ***Rifle Mill Site Transfer Update*** – A motion was made by Commissioner

McCown and seconded by Commissioner Stowe to authorize Ed Green to respond to the Rifle Mill Site Transfer advising that the County would not be doing any further action and will turn this over to the City of Rifle; motion carried.

- ***Letter regarding Environmental Assessment of the Ground Water Compliance at the New Rifle Mill Tailing Site***

Ed reviewed the previous action by the Board on comments on the Environmental Assessment of the Ground Water Compliance at the New Rifle Mill Tailings Site and referenced the letter the Board had received dated June 14, 2002 from Dan Metzler, Program Manager for the U. S. Department of Energy. Plans are to conduct a public meeting in Rifle during the process in order to note and address additional concerns. Until the revised EA is ready for distribution, DOE has provided the Board with responses to the Board's concerns: 1) the lack of a summary of other alternative actions; 2) DOE's method of determining and subsequently excluding elements of concern; 3) concern that DOE may not have consulted with all agencies necessary to adequately determine risk to flora and fauna; and 4) the recommendation for discussion of alternative methodologies to remove excess vanadium.

Jeffrey Deckler, Remedial Programs Manager, State of Colorado, Department of Public Health and Environmental sent Ed Green and Selby Myers, City Manager at Rifle a letter responding to a suggestion to contact Department of Energy (DOE) in Albuquerque to see if they had any precedent for an indemnification agreement. Ed had represented that the County would be interested in acquiring the mill sites only if such an agreement could be obtained. Jeffrey spoke to several people, and they in turn spoke to others including Corville Novana. They could not find any example of the indemnification agreement that Ed believed existed based on his previous conversation with Corville. Therefore, the only assurance DOE will provide is the letter from Cooper Wayman.

The letter from Cooper Wayman regarding the transfer of the old Mill Tailing Rifle Site to City of Rifle, stated that "Don Metzler of the U. S. Department of Energy-Grand Junction Office (DOE-GJO) requested that I prepare a letter indicating the extent of potential liability of the City of Rifle (the City) upon transfer of ownership of the Old Rifle Site to the City from the State of Colorado (the State). Historically, the Old Rifle Site is a Title I UMTRA site that was surface re-mediated between 1992 and 1996. Once the City takes title to the property, a deed restriction (Institutional Control) will be imposed to preclude any use of any ground water unless DOE and the Colorado Department of Public Health and Environment (CDPHE) give approval otherwise. The deed restriction will also prevent any drilling of wells into the contaminated aquifer for use of the water unless CDPHE and DOE pre-approve based on a risk calculation. The contamination of the aquifer by certain constituents will undergo continuous remediation by 'natural flushing' in order to ultimately meet the State water quality standards. It is my understanding that the State of Colorado will provide an environmental covenant mechanism after property transfer to further augment protection to the City. The State cannot covenant themselves while they own the property but can add the covenant after the City takes title. The DOE is in a similar position as the State in terms of being unable to provide a 'hold harmless' agreement to the City, previously set forth to Selby Myers by David Kreutzer in a letter dated 2/25/2002. However, the City would be subjected to limited potential liability, if any, at this site upon transfer of title. DOE has a continuing responsibility under UMTRCA, 42 USC Section 7901, et. seq. to re-mediate any situation now or in the future stemming from prior activities of DOE or its predecessors at Old Rifle. An exception to this statement would be any circumstance attributable to the City after the date of transfer. I believe this property would be a rewarding asset to the City with limited risk."

Jeffrey continued saying that "the State still believes that there is very little liability associated with the two mill sites, however we understand that both the City and the County remain hesitant to receive title to the properties. The Colorado Division of Wildlife has recently expressed an interest in taking title to the properties. This is consistent with the statute, which allows the State to retain title."

Ed Green stated that the State of Colorado CDPHE has asked the Board to do one final examination of the Board's position. If the County is interested in obtaining title to one or both of the sites, he will give the first right of refusal. However, the Board must indicate to Jeffrey that we want the site(s) and are willing to proceed immediately with processing of the deeds(s) and environmental covenant(s) necessary to execute the transaction. Jeffrey has requested notification of your decision by July 15; otherwise, the State will proceed with transferring the properties to the Division of Wildlife. If that transfer is not successful, then the State will pursue selling the properties to private entities.

Randy said it's time to go back, examine your options, and reevaluate them. Alternating the EPA standard would be unacceptable.

- ***Open House – Courthouse Plaza - Thursday, July 11 from 3 PM – 5 PM.***

Karen said they are planning to Chamber to do a ribbon cutting with us, public via the newspapers, and sending out letters to individual invitations. July 12, 13 and 14th – The move will occur. The first meeting will not be until August 5 in the Courthouse Plaza.

Equipment – Tom Russell proposed the purchase of a Fork Lift at the Road and Bridge Shop to move items and stack them in a warehouse fashion at the new Rifle facility.

Strategic Planning – Ed said they are going to do this differently. It will occur at the July 9, 2002 from 8:30 – 9:30 A.M. for Budget Kick-off and from 9:30 A.M. on, they will do Strategic Planning.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Executive Session – Discussion and Update on Pending Litigation and Property Negotiation and Zoning Violation***

A motion was made by Commissioner and seconded by Commissioner to go into an Executive Session to discuss the aforementioned items; motion carried.

Don requested Ed, Jesse, the Board, Mildred, Mark and himself to remain for the discussion.

A motion was made by Commissioner and seconded by Commissioner to come out of Executive Session for the report by Sheriff Dalessandri updating the fire in Spring Creek and the mitigation efforts on Mitchell Creek, etc.; motion carried.

- ***Sheriff Dalessandri – Fire Update***

Tom Dalessandri reported that the Type I team was hoping to draw a line at the top of East Elk Creek for the Spring Creek Fire. Mitchell Creek Water issue – rain is predicted and participation could exceed ½ inch. The BAER team will also be called in case of a heavy rain. Watershed issues – the residual treatment are questioned. Representative from the Board are going to enter into discussions with the BEAR team as well as the Town of New Castle. New Castle does have as much structures in the path of mudslides.

Mitchell Creek – until the master plan is developed for long-range, Tom said they are certain on all the planning for Mitchell Creek. The BEAR team removed the debris, Gould Contractors are on the scene and the barriers are in the process of being placed.

IC – Spring Creek – they are at a point to talk about private property.

Joe Hartman, Type II Commander is in touch with John Dennison and he will get with us afterwards. This will dovetail into FEMA; working on the logistics with David. They expect this to be 10,000 up to an 18,000 acre fire. Five Helicopters have been on this since Friday. A blow up on Storm King on Saturday. Spring Valley is where the heli-base is located. There's a 1-acre fire north of DeBeque and helicopters are on scene; it is burning into oil shale. Very rough terrain. Utah – 47,000 acres west of Colorado – 6 miles West of Colorado moving northerly. They are working with the interagency. Weather wise, we're expecting dry lighting to lead into rain.

Disaster Declaration – Mitchell Creek

Tom said the concern is with boulders and trees and could experience some flowing. Watershed issues are the most important. Hydrologist up there today and they will do a preliminary assessment. The fire is moving toward Canyon Creek; no private property involved yet. It has burned down to the drainage on both sides. East Elk is advancing toward Canyon Creek and has the potential to drop into the Creek. Today, they are going to draw a line before it gets to Canyon Creek. If the fire makes that run, it will run to the Creek. Hoping the rain beats the fire. If it gets into Canyon Creek, it will affect the watershed. To date, no structures have been destroyed. One hunting lodge was destroyed on Forest Service land. Today there's a 10:00 AM meeting; Tom said he will update the Board. The Executive Team will be meeting on Thursday on flood mitigation. 500 jersey barriers will be in place by Wednesday evening on Mitchell Creek. They will be delivered to the staging area behind the Mall and then they'll move them up Mitchell Creek haul them from there. If we have 1/10th of an inch in 10 minutes will create a flood. Ed said he plans to have the Executive Team on the flood mitigation convene on Wednesday in order to get an update from Gould on the status of the remediation efforts. The barriers are coming in from Hidden Valley. Only 12 barriers per truck; one barrier weighs a ton. Chairman Martin indicated that C-DOT would make two trips a day. Commissioner McCown inquired as to how long do we have the use of them. Ed said it is a time and material contract so as long as we need them basically. Commissioner McCown – should the event not happen, will the barriers pose a problem. Ed said that he didn't think C-DOT has any interest in retrieving those, those are pretty much excess to their needs is what we understand. Commissioner McCown – we're the only area that's going to have a flood mitigation plan. Chairman Martin – apparently we may in the driver's seat and have those and then we'll be able to wheel and deal. Ed said possession becomes the law in this case.

Resume Executive Session

Commissioner McCown made a motion and Commissioner Stowe seconded to go back into the Executive Session; motion carried.

Commissioner McCown made a motion and Commissioner Stowe seconded to come out of the Executive Session; motion carried

Direction for Staff

Don requested a motion authorizing Carolyn to send the form of permit that would allow *Mr. Perau* to use County property and inform him that is the document and legal rights that you would tender to him for approval.

Commissioner McCown so moved; Commissioner Stowe, second. Motion carried.

Commissioner Stowe mentioned that not only did we tender to him but this is the limits the Commissioners were allowed to go at this time and suggested to add something to this effect - Carolyn to make it clear in a backhanded way that if he wants to come in that's fine, but he's probably not going to have much success. Also, Don said he needs authority for his office to set the *Prehm* matter for procedural trial setting for the Preliminary Injunction unless we receive executed plats.

Commissioner McCown – so moved; Commissioner Stowe – second. Motion carried.

And, on the *CMC Litigation*, Don said he needs authority on behalf of the County to serve the City with the complaint and proceed to litigation versus the City of Glenwood Springs concerning the *TIF Financing*.

Commissioner Stowe – so moved. Commissioner McCown seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Wednesday, July 3, Executive Committee update on mitigation efforts with Mark Gould.

Commissioner McCown – Walt’s is attending so he won’t, unless I’m needed. We have to be careful with a quorum.

Chairman Martin – MAC Meeting briefing and those results should be coming out of Guy Meyer’s Office. Two different documents will come out on action plans, etc. We should distribute those if you don’t have them in place. Also, the signed Intergovernmental Agreement from the Coal Seam Fire and the Flood Mitigation Process that all the different agencies participated. Did we get in touch with the Division of Wildlife, that’s the only one that I noticed is still not in place. Mr. Kellecki needs to be aware, I know he’s already started his project and stuff is in place, but we still need to contact him.

CONSENT AGENDA

- a) Approve Bills
- b) Sign Rental Division Order for Williams Energy
- c) Sign Garfield County Nursing Services EPSTD Task Order
- d) Sign Revised Public Health Nursing Program Contract Renewal Letter
 - a. Sign Change Order Letter for Prenatal Services
 - b. Sign Updated Caregiver Grant Contract
 - c. Sign Resolution of Approval for Thomas and Vickie Fisher
 - d. Sign Resolution of Approval for the Amendment of the Battlement Mesa PUD Zone District Text
 - e. Sign Resolution of Approval for the Amendment of Sections 8:75, 8:81-92 of the Garfield County Subdivision Regulations of 1984, as amended.
 - f. Sign the Resolution of Approval for the Amendment of the Sanders Ranch PUD Plan
 - g. Sign the Resolution of Approval and Plat for the Van Hoose Subdivision
 - h. Sign an Acknowledgement of Satisfaction Improvements Agreement for Aspen Equestrian Estates
 - i. Sign Resolution of Denial for a Zone District Text Amendment to Allow for Landfills as a Special Use Permit in the A/R/RD Zone District
 - j. Sign Resolution of Approval for a preliminary plan for the LJ Subdivision
 - k. Sign Resolution of Approval for a Special Use Permit for Williams Energy Services

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - o; carried.

PUBLIC HEARINGS

▪ Supplemental Budget Hearing – Jesse Smith

Jesse Smith presented the Resolution concerned with the Fifth Amendment to the 2002 Budget and Fifth Amended Appropriation of Funds and explained the total changes by Fund. Exhibit A – Supplement #5 to the movement of staff coming in and out; and Exhibit B - Supplement B – Line item request from various funds.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve the Supplemental Budget with the Fifth Amendment Exhibits A and B. Motion carried.

PUBLIC MEETINGS

CONCERNS REGARDING TEE PEE PARK SPECIAL USE PERMIT FOR LOGGING – GEORGE BAUER

James Beckwith and George Bauer were present.

George Bauer – Silt, Colorado – presented information regarding the Special Use Permit for TeePee Park for logging operations. His concern was if the plan is being monitoring and implemented. If so who as they; there are discrepancies as to the constructed haul road and the plan itself was approved on that property. Those roads were approved to mitigate impacts on the Beaver Creek. The road currently used was worked out between the County Road & Bridge. The road leading to the property has degraded. Several safety issues regarding the lack of adequate turnouts. He said there are several turnouts around the corner where you cannot see anything. Who has the right-of-way? The uphill traffic should according to the Colorado code. He asked several questions on right of way on Beaver Creek Road, the width, how can it be constructed, modified, or not modified. With adequate width, turnouts can be made or with guide cars. One of the things they noticed as they flew over the property was vast majority of slash piles, 20 feet high. The Forest Plan says 30 feet. With the extreme fire danger, a slash pile is fuel for forest fires and inconsistent with the Forest Plan. Opinion - relocation of haul road by Garfield County – the big issue is implementation, monitoring, etc. Mark Bean and Tom Carpenter received the complaints. Brad Moss – Rifle, here for the access on the property. Forest Plan allows horseback riding and hiking, now a sign against horseback riding. Last couple of years he hasn’t been able to go through on horseback. James Beckwith introduced Norman Carpenter, and Intermountain Resources- Mr. Gherardi is the current

consulting forester. The thrust to Mr. Bauer's concerns lie with the original plan that was made by Tucker and Frase; then sold to Teepee Park. The Forest Service has limited jurisdictions due to being on private land. The roads were improved. CR 317 has a graded rock based, and turnouts were put in at a cost of \$225,000 as designed by County. Von Ded Road is used by others more than Intermountain Resources. Once in Teepee Park, it's on private roads. Fire management plan has set out plans for roads. In July 2001, during the Porcupine Fire, we needed immediate access. Mr. Bauer refused to allow the County to go in. The fire was suppressed. Then they decided to use those fire roads and leave them as is. They received approval by Mr. Bassone, the watershed inspector and Mr. Gherardi. They have both said these roads are adequate. Mr. Bauer admitted color photos showing the size of trucks. Dust is a problem everywhere. Mr. Beckwith stated they have signed posted on Taughenbaugh Mesa and other places that there are logging trucks in the area. Pilot cars are not applicable. We do not operate 24 hours, 7 days a week, we haul M - F and according to permitting. Residences are 2 miles away. Mr. Bauer doesn't live on his property; he has a vacation trailer. Logging material is monitored, the trucks are subject to CDOT but they come into our mills twice a day. As Intermountain Boxes, they supply the fireboxes. This is and continues to be a professional operated business. Final Comments – Teepee Park Road – a trail came up with DOW, never been a historical trail across Teepee Park for public use. The landowner has continued asserting that this is a private road; however, they met with US Forest Service and DOW and negotiated an easement, east of this area, keep any public away – obviously, someone could come in and get hurt. The route will be surveyed this year, the building of the trail will be done but it will only be for hiking. When Mr. Moss says he has been given access to horseback ride in the past, in 1997 the property was sold and there was no public access; Mr. Carpenter has kept it so. Mr. Myers and Mr. Gherardi have said they have reviewed the complaint. Mr. Myers – the slash piles in excess, the original plan discussed to 30' or less. If processed now, it may create a whole tree skid. They will dispose of the slash pile in the wintertime. Multiple piles – instead of 10 tons of slash there is less than 1 ton of slash where it can be burned. It's a much more concentrated process. Mr. Gerarti – agrees with the comments.

Commissioner McCown - you are telling us you did make changes and that you have to come back to the Board. We issued the permit with conditions. The Forestry does not change the conditions. It takes another public hearing.

Mr. Bassone - on private property the Board has no authority over roads, if it complies with the layback and road layout even on steep roads. No more road on steep slopes than was already in the plan. Road is not out of specifications.

Commissioner McCown – the difference between what you can do on your own permit. When there is a special use permit issued it has conditions that will apply as long as no interference for Rifle Watershed. Larry said he remembers the conversation and the difference between what you can do on your property in one large parcel and affecting the watershed and what you can do when you apply for a Special Use Permit are apples and oranges. You can build a road on your property as long as you don't affect the watershed of Rifle. When you come in and ask for a SUP to do something beyond that, that requires the SUP and there are conditions applied, then yes, I can affect that. That's the difference. I'm sure I did tell you that when that was one chunk of property you could build a road on it wherever you wanted to as long as you didn't interfere with Rifle's watershed. And that's still true. He also reiterated that TeePee Park was approval and it was based on the Forest Management Plan.

George Bauer – after listened to Mr. Myers, his attorney and their comments on his letter and their excuse of why the road was constructed where it is now. His inspection on the ground out there or from the air looking on the ground, you can see bulldozer tracks going up the old TeePee Park Creek Trail headed up to the top. Those bulldozer tracks when clear up to the top right up to the fire and were at the fire before any roadway was constructed down below. Why do they need a switchback roadway to get bulldozers to the fire when the bulldozers are already up there? Why did they have the airplanes putting the fire out if the bulldozers put the fire out? The bulldozers didn't put the fire out, the Forest Service told the bulldozers to stop. That's when the Forest Service came in there and they put the fire out. I was there and I was watching it from and talked with Gary Osier at all times. The new road as constructed as opposed to where it was planned is totally completely different topography.

Mr. Moss – can I hike through that property to get to Mamm Peak up at the top of Beaver Creek?

Chairman Martin – Not at this time.

Commissioners McCown – no – that's private land. It was in the Forest Management Plan, it was not in the special use permit per se. There was not a specific condition. Now, we did in the SUP accept the Forest Management Plan as submitted. This would have to be referred to the County Attorney.

Mr. Beckwith – no, you will not go on that roadway into the Mamm Peaks area. And pointed out that at the Beaver Creek parking lot, maintained by the Forest Service, they have a very clear sign indicating there is not public right of way east of there going across TeePee Park into the Mamm Peak's area. Chairman Martin said they will review it and make that determination. At the present time, no you can't. It's posted.

Mr. Bassone responded to Mr. Bauer's. The road and the road grade was requested by the County Sheriff of Garfield, Colorado State Forest Service and the Forest Service to be able to get support, water tankers, up that road and it had to be to that grade to be able to bring in that kind of water tanks. Number two, if the Forest Service didn't put the fire out, you could probably check with a report by John Dennison, Colorado State Forest Service, he reviewed the situation once he landed and said we had the fire under control and that he didn't need the 20-man hot shot crew there and that he would allow mop up of the situation, but they didn't put the fire out, we did.

Commissioner McCown – Porcupine Fire – were you ever asked to leave the area, did the Sheriff ask them to leave, you and your crews for endangering yourselves and the Sheriff asked in a strong fashion to leave the area?

We were notified after we had made the major fire trail round. We're foresters, and there were three of us there. And yes, and we then met the Sheriff and staff, and then they went to the top of the hill, they agreed it wasn't necessary. It was our fire and as landowners, the road access was not in. Their arterial surveillance was incorrect and the information they received was incorrect – we were not in harms way. Calls were made to several agencies and they refused to put anybody on the fire; so as landowners, it was our fire. And the fire trail, the access road was not built.

Commissioner McCown reminded him it was his property but the Sheriff is the ultimate authority when it comes to fighting a fire in Garfield County on whether you're going to go in on your own property or not.

Bob Hooker – lives on 320 and 317 runs through his property and in the past, we've had a lot of dust problems and continue to have that. The oil and gas companies have worked to help keep the dust down. The logging company has done nothing on dust of CR 317. No effort whatsoever to control dust.

Additionally, a lot of problems with water in the past, and if it ever rains, mud will come down Beaver Creek. The persons downstream will suffer. Many people upset over the Beaver Creek watershed being disturbed. Nobody is monitoring. Right now, it's great.

Commissioner McCown – This special use permit was only issued after the litigation over the access. There was no special use permit two years ago; it occurred in 2001 and the activity that took place was directly related to the fire. However, I still don't have a high level of comfort with some of the answers he has heard today and would like to ask for this matter to be set forward to the August 5th meeting to give staff an opportunity, both Road and Bridge and our Planning Department working in conjunction with our Forestry Inspector, reviewing the Forest Management Plan and the Special Use Permit and the approval of that permit which included the Forest Management Plan to see in fact if this permit will stay valid or not.

Commissioner Stowe – seconded. The time on August 5, 2002 was set at 1:15 P.M. Motion carried.

UPDATE ON COUNTY TRANSPORTATION PLAN AND OTHER ISSUES – RANDY RUSSELL

Randy Russell, Rob Hykys, Tom Russell and Mr. Ken Etter were present.

Randy submitted the traffic count analysis and reviewed a memo that provided a short narrative summary of the progress to date on the Plan and the work efforts involved. He added that it also summarizes the remaining work efforts to result in a solid Transportation Plan for the County and important deliverable products. Randy listed in his memo what the updating of that original study after five years accomplishes:

1) It performs the major part of a necessary public involvement and outreach strategy and cover all significant employers in the County as well as a significant sample of the general population; and 2) the Origin and Destination information is a necessary element of a Transportation Plan. He stated that he suspects other jurisdictions would contribute to this update. *GPS – Rob Hykys* explained on the map showing the road alignments used on the last nine years. They have completed 395 miles on the County Roads out of about 900 miles. We are on target at this point. Only one storm sewer marked south of Silt. Tom – there is a storm drain on the college road. Tom added that he thought this is going to be a valuable tool, will assist in ordering pipe, etc. Rob estimated it would take 6-weeks without an equipment failure. *Randy* – other piece is to get current traffic counts and said Building and Planning had hired a seasonal employee – Ken Etter. Meet weekly and identifying cost of sectors. It becomes a basis for road impacts for a new subdivision. The Central Section has been done, Airport and Rifle are complete. Mamm Creek still some things, one cluster, CMC, Parachute – then Glenwood and Carbondale – 60% done. All this is public record. This will feed into our current road impact survey for impact fees. Revisit and recalibrate the impact

fees. He requested approval from the Board to proceed with the next major element in this process, which is an update of trip generation Origin, and Destination patterns in the region. This request would be permission to allocate up to \$35,000 for that planning element out of the \$120,000 anticipated to be spent over a two-year period and the \$70,000 allocated in this year's budget. This request is based on a 'worst case scenario's and added that the Origin and Destination Survey would include all jurisdictions from Aspen to Parachute, replicating the study done almost five years ago. That study cost of \$60,000 and had very significant match from other jurisdictions that benefited from the results. Healthy Mountain Communities, who overlay that first study, proposed that we could now replicate it for about half that costs. Randy summarized that he would like to get HMC under contract, go up and down the valleys, and hustle match within the next month or two. The next piece of this puzzle is probably to put together the RFP and start consultant shopping. He wants them on board before we actually finalize the survey because they may have some ideas and some needs to tweak in terms of their needs for taking all this information then and crafting their model. So, to have a consultant team on board by October/November would be ideal. Most of their work again, would be the following year. We did allocate in the budget this year, \$70,000 for this effort. The inventory and the average daily traffic counts are going to consume about \$22,000 of that probably, that leaves us about \$48,000. Both contracts, Healthy Mountain Communities and the Consultant Contract would bridge between the two years. We had anticipated this effort costing \$120,000, \$70,000 this year and \$50,000 next. It may be that we will spent slightly less than the \$70,000 and add it onto our budget request for next year.

Chairman Martin felt the director was proper; this is very valuable and what we need to do especially with our transportation plan with the Cities coming on board as well.

Commissioner McCown inquired about the rider ship count on RFTA saying this will include it as well.

NRCS – Garfield County - Dennis Davidson – Funding Agreement

Chairman Martin submitted a reimbursement agreement with NRCS and Garfield County and this is based on a 75% - 25% match.

Commissioner McCown stated the amount was in the contract; the work is estimated at \$226,000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign in the area under Sponsor to enter into this agreement.

Chairman Martin – we'll also refer it back to counsel even though we're going to authorize the signature under emergency situations. Motion carried.

Update on Mitchell Creek – Shortage of Barriers - Mark Gould

Mark Gould – We started this morning on Mitchell Creek. We have eight (8) haul trucks hauling C-DOT barriers. We have one (1) 320; (1) IT 28; (1) 950 loader; tandem and (2) end-dumps, a supervisor and a laborer. At the moment our problem is that we're trying to work out is, they couldn't get the barriers from Hidden Valley where they wanted to because it was too close to the fire, and so they sent us to Golden. There are only 3,000 barriers, correction 300 barriers, they need 500 barriers. So, what I would suggest we do is that we take my 200 barriers and figure out how to replace them at a later date, but the problem we have we can only get one (1) because of the way they messed around this morning with C-DOT. We can only get one (1) load today because of the 10 hour time frame over the road, and so, my suggestion is that we take those trucks and move the 200 barriers today so that by end of day we would have 280 barriers and that means we'd have half of it in place and we can get all of that installed tomorrow. I guess there's supposed to be some rain coming in Wednesday, and I guess Marvin is working on whether he has barriers. And I really don't care where we get them, but tomorrow we're only going to get another 160 barriers which is 1600 feet and I think we ought to take the afternoon and instead of sending the trucks home, I think we ought to go get these 200 whether they're Marvin's 200 or my 200 and get them installed tomorrow. And then send the trucks back over for the long ones tomorrow, because we just can't make two trips with what they've done today.

Commissioner McCown – a concern of mine is how long can we keep those C-DOT barriers.

Chairman Martin – We have a maintenance agreement that no, they wouldn't do that to us but you never know what happens on higher-ups. Also, was the NCRS on scene?

Mark Gould – he's on site, I just met with him there, and they're tinkering with means and methods right now so that we get it done. And we are working just above, oh in the vicinity of that red barn, wherever that is.

Chairman Martin – That's Dr. Boyles' property and to the north of that.

Mark Gould – And they're picking the priority on the barriers, so if we get these barriers this afternoon, we can get the most important stuff done first and that's what we'd like to get

Chairman Martin – We have to agree with you and follow that guideline.

Mark Gould – We are probably going to, when we get back with Guy when he figures out what he's going to do, we'll probably need one of your loaders because we're, to have one on the set, loading the barrier. Whether we're getting it from Marvin or us, but I'll chase that down this afternoon.

Commissioner McCown – I wasn't under the impression the County had that much barrier, but you're talking to Marvin Stephens.

Mark Gould – Yeah, but we haven't talked since about 12:00 p.m. Friday.

Commissioner McCown – We talked to him after lunch briefly and he told us of the situation and that's the only reason we knew about it, but I don't think the County has that much barrier. Mark said they began July 1, 2002 on the project plan; he has 200 barriers. He suggested taking the trucks and moving 280 barriers from the Golden location, and installing them on Tuesday. Some rain is forecast for Wednesday. The Commissioners agreed this was a good suggestion. Mark said they will have 460 tomorrow.

CONSIDER A RESOLUTION VACATING A PORTION OF A PUBLIC RIGHT OF WAY NEAR THE OLD CARDIFF TOWNSITE, ALSO KNOWN AS FRONT STREET OR A PORTION OF CR 160. APPLICANT: MIKE ALSDORF

Don DeFord, Mike Alsdorf and Jim Neu of Leavenworth & Karp, P.C. were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 - Letter from Road and Bridge - Doug Thoe dated June 24, 2002

Chairman Martin entered exhibits A – B into the record.

Jim Neu presented the layout and explained the portion of the road requested to be vacated. The attempt is to obtain a usable piece of property. There's over a hundred feet of right-of-way for the City to expand Midland Avenue if they so choose. This will secure clean title to Mr. Alsdorf's property.

Chairman Martin – submitted Exhibit C – Resolution 2002 – 06 and Exhibit D – Drawing showing the right of way requested to be vacated into the record.

Mark Bean reviewed the history of this request saying, this is to vacate a portion of a public right of way near the old Cardiff Townsite that will ease an unnecessary burden to Mike Alsdorf's property without sacrificing any public interest. Road and Bridge has reviewed the request for the vacation and recommends that vacation of this portion of right of way be approved. Mark made remarks including the letter from Leavenworth & Karp on behalf of the City of Glenwood saying that waived any prescriptive easement claims for the portion of Front Street under its jurisdiction and does not object to vacating its portion of the right of way. Additionally, that the City of Glenwood Springs Council approved a petition for annexation of certain rights of way. Ron Myers said this is very good access to the big rigs. The county road is dead-ended.

If the changes are made, his question is, can adjacent landowners can take over this property. Don DeFord – under state law, when the County vacates a road, the statutes provides where the property goes, it appears to me that all of this property will go back to what was the original Townsite of Cardiff so whomever owns the property in the old Townsite, will then become the owners of this property. Jim Neu - Mr. Alsdorf is the private property owner, and all the property will go to Mike Alsdorf. Not closing CR 160 as it is. Don explained the Publication shows it as adjacent to CR 160 as the closest county road.

Commissioner Stowe moved to close the public hearing; Commissioner McCown seconded; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the vacation petition of a public right of way near the old Cardiff Townsite, what's know as Front Street or adjacent to CR 160 as more formally depicted in Exhibit D in the green shaded area and as requested by applicant Mike Alsdorf; motion carried.

REQUEST TO AMEND SECTION 5.03.15, KENNEL OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED. APPLICANT: WILLIAM PINKHAM

Don DeFord, Mark Bean, Attorney Bob Noone and Dean Moffat were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

The applicant could not supply the Board with a proof of publication. Don clarified with questions. The attorney was not in town; he was told by various neighbors that the publication was in the newspaper. The

Board decided the lack of the printed publication was just cause to contact the newspaper for verification of the publication. Mr. Noon submitted the proof of publication and the newspaper itself. Don suggested this be submitted into the record.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A – Proof of Publication; Exhibit B – Application; Exhibit C - Project Information and Staff Comments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; Exhibit E – all of the signed petitions with 125 signatures from local citizens in favor of changing the language for Section 5.03.15: 5.03.15 Kennel and thanking the Commissioners their review and consideration of the proposal; Exhibit F - Letter from Dr. Traul and Exhibit G – Letter from Alan Beven. Chairman Martin entered A – G into the record.

Mark stated this is a request to amend Section 5.03.15, Kennel of the Garfield County Zoning Resolution of 1978, as amended. The applicant, Mr. Pinkham, is proposing to amend this portion to “prohibit from emanating beyond property boundaries only those noises found to be in violation of the Noise Abatement Statute”; and Section 5.03.15 (3) amended to “allow for the disposal of animal waste in accordance with the recommendations of the Colorado Department of Public Health and Environment with respect to the specific characteristics of the subject property.” Section 5.03.15 (4) be amended to “permit outdoor runs except in those instances where such runs cannot be brought into compliance with the Noise Abatement statute.” Additionally, Mr. Pinkham requested an amendment to Resolution No. 99-087, which deals with dog enforcement issues. Mark stated that Resolution is not a Zoning issue and is not subject of this review. The highlights listed in the staff report under Major Issues and Concerns, Recommended Findings and Recommendation were reviewed.

The Planning Commission recommended Approval of the following language for Section 5.03.15: 5.03.15 Kennel:

- 1) All kennels shall be completely enclosed within a building that prevents any sounds from emanating from the property boundary in all agricultural and residential zone districts *unless* it can be demonstrated that no noise will emanate beyond the property boundaries in excess of the standards established by CRS Section 25-12-103 to any residential area.
- 2) No noise in excess of the standards contained in CRS Section 15-12-103, dust, odors or source of filth shall emanate from the property.
- 3) A waste container capable of handling all waste for the kennel shall be installed. It shall be demonstrated that the owner can properly dispose of the waste.
- 4) No outdoor dog runs will be allowed, except facilities that meet the previous conditions and are approved with conditions consistent with (1) above.

Applicant response – Bob Noone – Mark’s summary of the request and conclusion of the P & Z is complete. This particular matter is of countywide concern and offers a solution to a problem. They did their own tests; the noise emanating from Mr. Pinkham was not audible to the human ear or at the boundary of the Spring Ridge Subdivision. The proposal today would provide the County with an opportunity to demonstrate that their use will not exceed the standards for acceptable noise levels from their property. Many residents that have signed the petition, there are more than 125 landowners in Garfield County that have more than four dogs and there have been no complaints of noise. Mark has indicted that he would prefer more concise manner of disposal of animal waste. He urged the Board to accept the P & Z recommendation.

Commissioner McCown – on the burden of proof regarding noise emanating from the property, would this include a professional audio firm. Experts seem to read noise levels differently.

Commissioner Stowe – the number of dogs, etc. the numbers could be skewed.

Commissioner McCown – if this Board does move forward, there needs to be a level of comfort, the County has to come up with a designated decibel level of noise. The Board has refused SUP’s due to the noise levels.

Bob Noone said there are national levels of noise abatements. They place great emphasis on protocols to establish the noise levels.

Chairman Martin – it can become an enforcement issue with for the Board or the Sheriff. Don – there are two levels of enforcement issues – if it’s an alleged violation it would be a zoning issue.

Public input was given by the following:

John Martin – representing the Crystal River Ranch commented on noise where the dogs are located. David Dusett – commented on the noise factor and inquired as to what time of day and how many dogs were on the property when the tests were performed. Bill Pinkham responded they were read morning, evening and

feeding time, as well as other different times in 12 different places and there were 47 dogs in the kennel. Linda Feast – many people are concerned about keeping this particular breed of dogs indoors 24 hours a day is cruel and unhealthy and urged the Board to adopt these new regulations – the dogs are important to this county. Dog sledding and racing up Four Mile has been ongoing for many years. Tourists go out on snowmobiles and love seeing the dogs. It's a total thrill for the guests. Recently, statewide, the Mushers have formed a Colorado Evacuation Team. Two teams were able to go and evacuate animals that were affected by the fire – a positive effect. We need to make the laws fair, controlling the waste and noise should be under laws. Mark Hatch – the biggest issue is not the waste and encouraged the Board to focus on the noise issue. Compared it to lawn mowing, motorcycles, motor vehicle repairs; usually it is the neighbor with one dog making noise than what Pinkham's dogs create. Wants a fair law to at least have an enforceable guideline. Mushers take better care of their dogs, even better than the one dog with less interaction. Fair and reasonable laws on the books. Used the example of closing a car door, noise can emanate a long way. Pat Fitzgerald – registered agent for the Springridge Joint Venture. Focus on the legislation; the one thing missing is the distance factor. P & Z gave up on it. If the noise has to be contained within the property boundaries then Mr. Pinkham has some buildings within 25 feet of Springridge and unless these dogs are confined, they would hear them. Cedaredge Kennels – the owner has to wear earmuffs due to the noise. Apply the measure of noise as to the relationship to the neighbors. The 55 decibels is a lot of noise and is unacceptable. Dr. Bob Thoroson – this is a recreational county – remember dog sledding. The way the restrictions are currently, no one can legally train to run a dog sled race in Garfield County. Nathan Bell – Silt – member of the Mushers and resident for 22 years. One of the things that he likes about the area is the rural activities of the County – right to farm state, cattle, horses, and one thing that has always been a problem with the County growing, subdivisions building next to no where; kennels have been forever. All it takes presently is one person complaining about noise. What we are talking about is a noise to many people who move here from Denver, Las Vegas, a dog barking is a noise, but when they drive their Harley Davidson driving down the street, that's a real noise issue. Cars, horns, and then they purchase a lot and want horses, cattle, etc. to shut down. Trying to make people happy but do not yield to all the squeaky wheels; make County rules that are not so objective, experts should be involved. For the new zone, it takes it out of the non-objective into the objectives. In favor of this change and requested some due consideration.

Bob Noone added some comments to adopt the new standards saying this has been scientifically measured. Most people do not want to cause nuisances or to be subjected to nuisances. This is a proposal that permits the enforcement of noises that are objectively and this puts everyone on the same level with acceptable behavior.

Dean Moffat – commented on animal waste saying they designed the animal shelter waste system at CARE and said they are currently doing one for Pitkin County. CARE's animal waste system is to flush animal waste down the toilet. Various shelters in Colorado, most acceptable means is to place in solid landfills. Daily or twice daily, bag it and put it into the waste. Other facilities use similar to things found on a ranch - composting. If it caused a smell, if it is close, if it is in agricultural, seldom creates a problem.

Bob Noone – on noise levels – they took great pains to survey Bill Pinkham's property. Amphitheater affect – obtained a professional noise level reader and conducted tests all during the day, at the property line, within the Springridge subdivision. They compared these noise levels with snowmobiles, cars quite detailed and could find no noise levels from Mr. Pinkham's dogs. This was not scientific – trying to see what levels of nuisance these dogs may be to Springridge. If dogs are near railroad tracks – very seldom can you hear them. The State compares the dogs to everything relevant to all these noises. 55 decibels – related higher than talking, higher than horn honking at 20 feet. Dean Moffat – car horns, lawnmowers equal snowmobiles and this sound goes further. Planes from Glenwood Airport – they are above 55 decibels. The need for this scientific approach is very necessary. David Dusett – question – access to public roadways. Some regulations for horses on roads, dogs on leashes. If this is adopted, are these animals going to be allowed on County Roads.

Issues of waste, noise, health of the dogs and concerns by the public were discussed.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to deny this zone text amendment at this time, based on the findings that the changes are too broad and too general and there needs to be more concise and direct. Commissioner McCown seconded. Discussion. Commissioner McCown – feel that it's our obligation to make those changes to the zone text amendment and thinks it's

our responsibility to denote what we want the decibel level to be and our responsibility to say that the waste must be held in a vault that prevents any leaching into the soil and that vault shall not be larger than 1,000 gallon and the contents must be removed by whatever means being possible, the minimum of twice a year. I think that is the kind of thing we have to put in here and just denial on the fact that we don't feel comfortable with it, is not the right basis for denial. Chairman Martin stated we have the option to also set those in motion or to continue this until you can present certain standards that you wish to go ahead and present on this zone text amendment. Commissioner Stowe inquired if this can be tabled and the Commissioners come back with a proposal in two weeks or something. Don said the Board could give a date certain, re-open the public hearing and accept more information. Chairman Martin noted there was a motion of the floor to deny. Commissioner Stowe rescinded his motion. Commissioner McCown agreed. No motion to deny. Commissioner Stowe made a motion to table this zone text amendment for consideration by the Commissioners and come back with a revised zone text amendment on August 5th. Clarification was made that the Commissioners will have a work session however; no decision will be made outside the Commissioners meeting. Drafts will be brought forth at the August 5th meeting. Commissioner McCown seconded. Motion carried.

**REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION:
LOCATION – APPROXIMATELY FIVE (5) MILES SOUTHWEST OF GLENWOOD SPRINGS
OFF COUNTY ROAD 125. APPLICANT: WILLIAM PINKHAM**

Bill Pinkham, Bob Noone, Dean Moffat, Don DeFord and Mark Bean were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: A -Proof of Publication; B - Green and White Mail Receipts; Exhibit C – Application with attachments; Exhibit D – Project Report and Staff Comments; E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F – Letter from Dr. Traul and Exhibit G – Letter from Albert Beven.

Chairman Martin entered exhibits A - G into the record.

The applicant requested this be continued until August 5th and agreed to waive the time restriction.

Commissioner McCown made a motion to continue this until August 5, 2002 noting that the applicant agreed to waive the time requirement. Commissioner Stowe seconded; motion carried.

Mel Rey Zoning Issue – Commissioner Stowe will not be available and we need all three Commissioners to be present. Mark sent out letters explaining that we would be opening the hearing and then moving it to August 18, 2002.

Agenda for the City of Glenwood Springs/County Commissioner's Meeting

Tuesday, July 9, 7 a.m. will include: Annexation of CR 116/117, Four-Mile Fire Station

Participation in the BAER flood mitigation; Design of the Open Space; City Hall move in August and parking - 38 designated spaces at the MOC site.

WORK SESSION – A ZONE TEXT AMENDMENT - KENNEL

July 15, 2002 was designated as a work session to address this amendment; everyone put together some suggestions; then have a work session on the language.

Parking Issue

The newly created County parking lot where the old jail was located is restricted for County parking and it is our responsibility to enforce.

Last week the Assessor used one of the Sheriff's unused spaces as he is not filling those 8 – 10 spaces on a daily basis but some are using the county spaces. This was decided that it was internal policy to discuss with the Sheriff.

**REQUEST FOR APPROVAL OF THE FINAL PLAT AND SUBDIVISION IMPROVEMENTS
AGREEMENT FOR THE COTTAGES AT EAGLE'S NEST 2. APPLICANT: THE COTTAGES
AT EAGLE'S NEST 2, LLP**

Mark Bean submitted a signed subdivision Improvements Agreement and the Final Plat. Don DeFord had communication and submitted it to the Board regarding the completion of the bike path and assuring the County this was open to the public.

Mark reviewed the letter dated June 7, 2002 from Larry Green of Balcomb and Green regarding the Aspen Glen Bike Path saying, "he was surprised to learn that the Commissioners would think such a thing as not allowing the bike path for public use. He confirmed that a publicly accessible bike path through the length of the Aspen Glen property along CR 109 was a condition of Aspen Glen's original PUD and Preliminary

Plan approval and aspen Glen Golf Company has always and does now intend to fulfill that condition. At this time, Larry said the contractor is making steady progress on the structural aspects of the bike path and he could see no reason why they will not meet the July 15, 2002 completion date in their contract. With respect to the design engineer and the installation of signage on the bike path, he was not able to reach the folks to follow-up but stated he would notify the Board at this meeting today.”

This was taken out of order and Mr. Green was not present.

A motion was made by Commissioner Stowe that the Chair be authorized the Chair to sign the final plat and the SIA with the attached letter stating the Bike Path would be open to the public; Commissioner McCown seconded; motion carried.

REQUEST FOR APPROVAL OF THE AMENDED PLAT FOR ASPEN GLEN, CLUB LODGE, LOT 5

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

Mark submitted the proposed Condominium Map of Club Lodge Condominiums, Lot 5, Aspen Glen Clubhouse and Club Lodge and the Amended Plat Application Form and added the appropriate fees were included. And submitted a memo to the Board with additional correspondence from Attorney Larry Green regarding the status of the bike path along CR 109 within the Aspen Glen Project.

Larry Green reviewed the former action previously approved by the Board to condominiumize Golf Clubhouse Parcel, Filing No. 1 into two condominium units. Club Lodge, Inc., the owner of Club Lodge Lot 5 and an affiliate of Aspen Glen Golf Company would now like to condominiumize the Club Lodge Lot 5 and requested the Board approve the request. Regarding the Bike Path – Larry submitted a letter stating they are scheduled to pave July 8, 2002 from DRT2. The date of July 15, 2002 will be met.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the amended plat for Aspen Glen, Club Lodge, Lot 5; motion carried.

Recess

Commissioner McCown made a motion and Commissioner Stowe seconded to continue the Meeting until July 8th. Motion carried.

Attest:

Chairman of the Board

JULY 8, 2002

**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 10, 2002 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Commissioner Stowe was absent.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Grand Opening of Courthouse Plaza***

Ed said there will be tours from 3 PM to 5 PM for the Grand Opening

If you have photos of the first Courthouse, cornerstone, etc. give items to Mildred for the time capsule.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Renewal of Fire Ban

Guy Meyer – Provided the Board with the technical information on the dry conditions and Don submitted a draft Resolution to renew the Fire Ban that has been in effect.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the Fire and authorize the Chair to sign; motion carried. A date of August 5, 2002 was set to review the Ban.

b. Discussion of Four-Mile Ranch aka Red Feather Annexation – City of Glenwood Springs

Don DeFord presented the packet of information from the City of Glenwood Springs on the Annexation Impact Report. They omitted the annexation of Four Mile Road. He said at first they had planned to have the roads in the subdivision as private roads. Don informed Lee Leavenworth these were already public roads. Lee changed them to be public roads but privately maintained. The Commissioners previously addressed the comments.

c. Hicks Annexation

Mark Bean reported that the Hicks Annexation is off the frontage road that used to be the old golf course driving range. Mark said this one is less than the ten (10) acres required so there's no annexation report required. The property is zoned Commercial Limited in the County – there are no public road that are going into the area. There's not a whole lot we can say or do about this issue. (Divers Property) This is the old Hwy. 6 & 24 but it dead ends at that point and turns into private property.

Chairman Martin felt the County needed to address some of the issues and ask some questions such as how are they going to supply services, etc, and their annexation and utilities.

Don stated, as Mark noted, they don't have to file an impact report on this one but we're still in time to comment.

Commissioner McCown – so there is no congruity there that would meet the criteria.

Don agreed, not right now. Mark said just to do this congruity; it'll take three or four at least. Don said this on the zoning, one of which is supposed to come to the County under the IGA anyway, so we still have a right to comment on that basis, so they still should give us the development plan for this project. The Board requested Mark to send a letter with comments on the annexation. The development plan should come to the County due to the IGA.

**REQUEST TO CONSIDER WAIVING THE ANNEXATION REPORT REQUIREMENTS FOR
THE BOOKCLIFF FARM PUD FROM THE TOWN OF SILT**

Don DeFord and Mark Bean were present.

Mark stated that this is the request to consider waiving the annexation report for the Bookcliff Farm PUD.

Don said he could only speculate on this because he has had some discussions on this. Mark submitted maps showing the location of the property that is northwest of the Town of Silt coming off 1st Street. Mark stated that Mr. Hicks had gone to the Town at one time and was not happy with them, came to the County and we told him if he wanted to do this type of a project he needed to annex to the Town of Silt, so he went back to Silt and apparently was able to resolve the differences. It is his understanding that the property has been annexed now. Don said he had discussions with Steve Beattie about the streets. Mark said their annexation commits to all those County Roads adjacent to the property annexed to the Town with this residential annexation. Don said that has been their commitment for some time, they've been working with the County Attorney's office making sure the right of ways are properly described and thinks they have ever intention of annexing the roads.

The Commissioners discussed the request and commented on the potential traffic impacts to County Road 231 - 1st Street and Ukele Lane CR 216, also Silt Mesa CR 233 and CR 236 with this proposed addition of the multi-dwelling units to the area. The site is a 38-acre site divided into 105 lots. Commissioner McCown said one of his concerns would be contiguity for getting all this area cleaned up so they are taking the roads entirety to the site and would like to see a impact study of what it is going to do to CR 233. He further noted the minimal amount of contiguity between the Town and this property with respect to whether the Town of Silt has the ability to serve the development with public infrastructure and services. Chairman Martin said we need a traffic study as a minimum. Commissioner McCown said with this type of density they are talking about, that could definitely be a traffic impact area – it's much denser than the subdivision off Murr Lane that we required extension road improvement conditions because of that change and this is much more than that.

The Commissioners asked Mark to draft a letter stating the Boards concerns and bring it back to them for review and signature of the Chair.

Jersey Barriers – Mitchell Creek

Don DeFord stated the Board's been involved in utilizing the State jersey barriers for flood mitigation and debris flow control on Mitchell Creek. We need to make sure the record reflects that the Chair has been authorized to sign this agreement. This is a letter agreement that we would like to send out to C-DOT. This really just incorporates Guy's comments and makes us responsible for obtaining the barriers, placing them and returning them to the site designated by C-DOT when that occurs and gives us two years to use the barriers. That's really all he requested. I think that's within the scope of what you've already discussed and tastily agreed to and we really need just a form of motion authorizing the Chair to sign this agreement on behalf of the County.

Commissioner Stowe so moved. Commissioner McCown – second.

Ed asked how many barriers it alludes to. Don said, 5,000 linear feet. Chairman Martin included that that would be 500 units. Jesse - they only gave us 3,000. Commissioner McCown – I know but it's saying not to exceed that. Motion carried.

IGA – Coal Seam Fire – BEAR Requirement

Don – previously this is just a clean up item, Ed has signed off on an inter-agency agreement for flood mitigation control resulting from the Coal Seam Fire. This was just a short brief paragraph agreement. I think the Board has already seen this, but again the record needs to reflect that Ed was authorized to sign this agreement. Mildred – because it was not done in a meeting. Ed – This was only in a meeting of the Executive Team of the BEAR requirement. Commissioner McCown – as long as it doesn't exceed his signature authority I don't know why it needs to be authorized but I'd make a motion to authorize Ed Green's signature on the agreement. Don – No monetary amount stated or any limitation. Commissioner Stowe – it still doesn't exceed his signature amount on anything Ed signs. He has a \$10,000 limit, anything above that has to come back to this Board anyway. Ed – if you recall in the first paragraph it does say that all of us are limited to our dollar authorities. Chairman Martin – I'll second the motion to open it up for discussion and then therefore, you are correct, it does say within your limits, on that second sentence. Mildred – As long as we're in discussion, I'd like to bring up the fact I know that Ed has so much monetary that he can sign for and I know the same way with Tim and Jesse, but I need those records back to me to have in our file and I'm not getting them. Ed – You're saying you need the record of the expenditures. Mildred – I need an original copy of the signature things that you sign. Chairman Martin – Ed is authorized to stay within his limits to go and enter into that agreement with the other Executive Committee members. Motion carried. Chairman Martin – We'll make sure you get a copy of that to Mildred.

City of Glenwood Springs - Robin Milyard

Current Utility Easement – Palmer Street Right-of-Way

The Hospital is wanted to use the Palmer Street Right of Way in their expansion program.

This is a request from Robin Milyard from the City of Glenwood Springs to realign an easement that runs across the property that we lease to Valley View Hospital.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to authorize the staff to proceed with the City of providing the County a legal description realigning the easement on the Valley View Property for the electrical service; motion carried.

Rifle Remediation

Ed introduced two letters – one from Donald Metzler, Program Manager and one from Jeffrey Deckler, Remedial Program Manager in response to DOE Environmental Assessment and suggests that perhaps they

need to expand their focus beyond what the PEIS stated in 1997 and consider additional alternatives given the fact that natural flushing in the medium is now going to require over three hundred (300-years). Ed read from the letter “we don’t agree with the notion that you can alter EPA standards due to the fact that the flush is going to take 300 years.

Commissioner McCown made a motion that the Chair be authorized to sign a letter to Don Metzler and approve the letter to Jeff Deckler for Ed Green’s signature. Chairman Martin stepped down as Chair to second the motion; carried.

EXECUTIVE SESSION

Intermountain Cases – Appeal – Attorney’s Fees; Garcia case – Presently in the 10th Circuit – Agenda Items for Discussion on the City/County Meeting – July 9, 2002

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair, to go into an Executive Session; motion carried.

Don requested Ed, Jesse, Mildred, the Board and himself to remain for the session.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair, Chairman Martin who stepped down as Chair, to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner McCown – Tuesday, July 9th, 7 AM City/County Meeting and Open House -Courthouse Plaza – 3 – 5 PM on Thursday, July 11, 2002

Chairman Martin – MAC Meeting – 10 AM – Tuesday, July 9th – Update on the Coal Seam and Spring Creek fires. The City of Glenwood Springs and County elected officials are invited to participate. These meetings will be held weekly during the fire season; Mayor’s Meeting – Tuesday, July 15th in New Castle – 7:00 AM

Ed Green - Budget Kick-Off – moved to July 16th.

Re-Zoning on Mel Rey Road

Reviewing the public notice, the County was to notify the Post that the meeting would be cancelled due to Walt’s absence and new notices will be sent to those who want to be present at the hearing on August 5, 2002. Mark testified that he posted 12 different properties as well.

CONSENT AGENDA

- a. Approve Bills
- b. Sign a Resolution of Approval and Plat for the Brock Subdivision Exemption
- c. Sign an Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement for the Roaring Fork Preserve Subdivision

A motion was made by Commissioner McCown and seconded by Chairman Martin to approve the Consent Agenda Items A -C; carried.

REQUEST FOR APPROVAL OF A SPECIAL EVENTS LIQUOR LICENSE. APPLICANT: COLORADO ANIMAL RESCUE, INC.

Mildred Alsdorf gave the presentation saying Colorado Animal Rescue has requested a Special Events Liquor License for August 17, 2002. They will also be having tours of the facility.

A motion was made to approve the Special Events Liquor License for the Colorado Animal Rescue, Inc. for August 17, 2002. Chairman Martin stepped down as Chair to second the motion; carried.

Executive Session – Legal Issues

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

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

WORKSHOP – DEFINING THE ZONING FOR KENNELS – NUMBER OF DOGS AND WASTE DISPOSAL

Mark Bean, Don DeFord and the Commissioners held a public discussion on the potential changes regarding the Kennel zoning and subdivision regulations. The issues of concern were the waste containers and the decibel levels. Residential areas have a 55-db level.

Minimum acres on what would qualify and maximum dogs on large acres were also discussed. The cap will be set at 40 dogs on 40 acres and the kennel can be closed or open as long as they meet the sound requirements.

Jail Medical Services Agreement

Don stated this began official in January of 2002 and he will review it and bring it back to the Board. August 12 – Commissioner McCown may not be in town for the regular Commissioner Meeting.

He requested that Mark avoid anything that may be contentious.

Evacuations for the mudslide

Sheriff Dalessandri was on Channel 4 and it was noted that there was a warning going across the bottom of the screen of the potential for mudslides.

ADJOURN

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

Attest:

Chairman of the Board

JULY 15, 2002
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 15, 2002 with Chairman John Martin and Commissioners Walt Stowe present. Larry McCown was absent. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

Award Bid for Mountain View Remodeling to Groth Construction

Tim Arnett and Randy Withee presented the Award Contract for Groth Construction for **\$71,500.00** that includes the base bid for the first floor of \$63,600.00; Carpet for the 2nd floor of \$7,750.00; and repair ceiling tile for \$150.00. This is significantly under budget, Mark has about \$15,000 in her budget, and Ed mentioned other funds that could go forward with the Roof repairs for Mountain View Building.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the remodeling base bid 1st floor and the carpet for the 2nd floor for Mountain View Remodeling to Groth Construction for \$71,500.00. Motion carried.

Discussion of Expenditure of SCAAP Award – Sheriff's Department

Tom Dalessandri presented the update on the Spring Creek Fire. Two of the fires are on the Flat Tops – Meadow Lake and Lost Lake; both are small and are all within the wilderness area. They are doing helicopter drops. Steamboat is the big one and it is continuing to grow.

The SCAAP Award of an estimated \$70,000 was budgeted; however, they received \$184,443. This is significantly more and Tom submitted a list of proposed expenditures for use of the SCAAP 2002 funds. Commissioner Stowe recommended that Tom obtain clearance on the storage shed, due to the placement location, from the City of Glenwood Springs before Tom purchases that particular item.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the proposed use of their as noted pending approval from the City on the storage shed. Ed inquired if this motion included the rent for search and rescue. Commissioner Stowe confirmed it did. Motion carried.

DRIVEWAY - between Sheriff's and back lot

Tom briefed the Commissioners on the traffic and security concerns regarding the current structure of the driveway that goes between the Sheriff's parking area into the back lot saying when this was originally designed that was still Railroad property. The purpose of that design was to allow the railroad access into their property. What we're seeing now is a construction issue and there's a large amount of traffic that's being diverted through there. The question is will that continue to be a main access once 8th Street is opened up and if not, the big concern is that it does and will conflict with security and any law enforcement's vehicles. Dale commented that the City intends to purchase the Railroad property but it will be a wait and see situation. The Board suggested that Tom get with Terry Wilson, Chief of Police for Glenwood Springs and bring this up at the next City/County meeting.

Approval to Proceed with Roof Repairs for Mountain View Building

Tim Arnett and Randy Withee presented the Notice to Proceed for the

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to proceed with the roof repairs as presented. Motion carried.

Ambulance for Silt No. 32

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the Silt Ambulance License for N0 32; motion carried.

Great Northern Carnival – County Fair– see contract

Dale Hancock presented the contract. A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the contract for the carnival with Great Northern Carnival, August 8 – 11, 2002 for use of the parking lot area of the Fairgrounds for the upcoming County Fair upon legal review and the Chair authorized to sign; motion carried.

Flight Department – Preliminary fuel tank

Brian Condie presented that the FBO lease negotiations with the Flight Department (TFD) are following the standard FBO lease policy outline. However, we have three exemptions that will need preliminary approval of the Board before any further proceedings can occur.

1. A jet fuel tank will be installed at a cost of approximately \$80,000 by TFD and the title will immediately be turned over to the County. This brings the responsibility to the County of maintaining this new tank in compliance with the FPCC codes. This is advisable to keep control over the fuel farm. [This is good because then we can keep control over the entire fuel farm instead of 25% of it.]
2. As a consideration of the fuel farm improvements TFD ease terms of 30+5+5 will be negotiated from August 2002. This gives TFD three additional years from the original lease. [Basically, this is a re-start of their lease, which gives them an additional 3 years.]
3. TFD would like the option of trading the open ground lots they are currently requesting for any other lot they find more suitable for their needs as circumstances arise. They will keep in compliance with Minimum standards. [They would like the option of changing of their open box space if they find something more suitable to their needs.]

Brian added he hopes this will be completed by August 15th.

Discussion was held and the Board commented on Item Number 2. Carolyn said they had met with the tenants and as Brian said, it's a restart in consideration of improving our Airport and it's a business decision. We did that when we re-negotiated with CAS but with CAS they were giving up a lot of prior interests, options, first right to lease on different parcels. These folks aren't doing that but they are putting a significant amount of money into our fuel farm. Commissioner Stowe said on option no. 3, the option of trading on open ground lots, they are currently requesting for any other lot they find more suitable, it doesn't say if it becomes available. Carolyn suggested changing the wording on that. There's a possibility that if Mr. Gordon does not proceed to build by the end of this year, this Board may decide that there are no more extensions with them on the big box hangars. Commissioner Stowe said he didn't have a problem with the swaps as long as we have some language in there that limited it. As it is written now, they could take the pick of anything that's out there including if we have a lease with someone else on it, then we could be in for trouble. He suggested we need to re-wordsmith that to say "available lot". Carolyn added "or approved by the Airport Manager and this Board."

Commissioner Stowe added that he was not inclined to extend the no. 2 and made a motion to approve No. 1 and No. 3 with the conditions with the wordsmith as discussed here at this meeting this morning with the contract with the Fire Department Lease. Chairman Martin stepped down as Chair to second the motion. Commissioner Stowe said that 37 years is plenty of time. Motion carried.

Road and Bridge – Sign Shop and Additional Shop Equipment

Tom Russell submitted a detailed analysis of the Sign Shop. The estimate was \$35,000 and Tom recommended that they use the sign shop space at the new facility for storage of new and existing sign stock, and continue to purchase signs from their out-sources.

Flag Poles – Open Space – Courthouse, City Hall, Sheriff and Courthouse Plaza

A motion was made by Commissioner Stowe and Chairman Martin stepped down as Chair to second the motion to approve a not to exceed \$7000.00 for three flagpoles at the new Courthouse Plaza open space; motion carried.

Cooperative Agreement Modification - Airport Road

Ed submitted the Cooperative Agreement Modification letter from Eben Greybourne, Contracting Officer as well as a colored map of the Four Phases of the roads CR 346, CR 319, CR 365, CR 352, and CR 325 at the Airport. Discussion has taken place with FAA regarding the Vanadium (Uranium Mill Tailings Radiation) being used as fill material underneath the runway. There are some Environmental assessment issues that need to be made.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Consideration and Approval of Jail Medical Services Agreement – Colorado West Regional Mental Health

Tom Dalessandri and Dan Hall were present. The amended contract was presented to the Board and the established rates were included:

Psychiatric Evaluation and Management \$120.00 per hour

Total to be expended shall not exceed \$8,000.00

M-1 paperwork to the Mental Health Hospital and very basic work on holding of prisoners who need some counseling due to the State Hospital not accepting.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to authorize the signature of the Chair for the Jail Medical Services Agreement with Colorado West Regional Mental Health not to exceed \$8,000. Motion carried.

EXECUTIVE SESSION – On-Going Litigation

Don tells that he needs an Executive Session

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to go into an Executive Session to discuss on-going litigation issues; motion carried.

Don said he needed Mark, Carolyn, Jesse, Ed, and Mildred, the Commissioners, and himself for the meeting.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Roaring Fork Housing Initiative last Friday to set up the perimeters for possibly establishing a Regional Housing Authority; Friday, Healthy Beginning's Board Meeting to re-vamp the By-Laws; Western Valley Mayor's in New Castle Café - Tuesday at 7 a.m., Personnel 1:30 PM on Wed, July 17 – Budget and Strategic Planning; Luncheon on Friday with the Rotary where Ed will be giving the presentation; Friday afternoon, Mountain Valley Development appreciation award ceremony at 3:00 P.M.; next Thursday, Rural Resort Meeting on the 25th in Winter Park at noon.

Chairman Martin – Staff Meeting on Transportation July 19th with Denver, Carbondale and Glenwood in reference to the upcoming list of CDOT activities.

Ed Green – The Department of Energy had originally planned on an August 14th hearing for that aquifer project but they postponed it until the end of August of first part of September. A meeting with the Health Board August 14th and will obtain input from the consultant as to the projected increase for 2003.

Commissioner McCown will back for the 1st week of August.

Don DeFord announced the Board of Equalization will be July 25th and 26th. Today is the deadline for filing appeals for real property and the 20th for personal property. At present, there are very few appeals.

Mildred will be gone from the 26th until the 29th.

CONSENT AGENDA

- a. Sign Cooperative Agreement Modification with Department of Energy (UMTRA) Sign
- b. Sign a Resolution of Denial for a Subdivision Exemption for Jim Mahan
- c. Sign a Resolution of Approval and Subdivision Exemption Plat for Carpenter/Martin
- d. Sign an Amended Final Plat for the Condominium Map, Club Lodge Condominiums, Lot 5, Aspen Glen PUD

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the Consent Agenda Items A - D; carried.

DETERMINE WHETHER OR NOT THE MAMM CREEK GRAVEL PIT SPECIAL USE PERMIT APPLICATION WILL BE REFERRED TO THE PLANNING COMMISSION

Scott Balcomb and Mark Bean were present.

Mark Bean submitted a Memo to the Board saying Mamm Creek Sand & Gravel originally submitted an application for a Special Use Permit to operate a sand and gravel pit, concrete and asphalt batch plant at a site due north of the Garfield County Airport in 2001. That application was sent back to them, due to non-technical compliance with the submission requirements. Particularly, permits from other local, state and federal agencies needed to be in place. Subsequently, the applicants and their representatives have acquired all of the additional permits for the proposed sand and gravel pit, thus the application will be deemed in technical compliance, and once the Board accepts it and determines whether or not to refer the application to the Planning Commission or set a hearing date.

Section 9.03.04 of the Garfield County Zoning Resolution allows the Board to refer an application to the Planning Commission, "if they deem it appropriate." If the application is not referred to the Planning Commission, the Board must set a hearing date within 60 days of the date the application is presented to the Board.

It is staff's position that this application has already been the subject of a number of public hearings and the referral to the Planning Commission does not appear to be a necessary step. Staff would recommend that the Board set a public hearing date for either September 3rd, or September 9th to meet the 60 day time line required by the regulation.

The applicant is willing to provide funding for an outside consultant to review the application, since the Planning staff is presently very busy with a variety of projects. As part of this discussion, staff has attached a proposed contract for services with Dennis Stranger to review the application.

Counsel for the Applicant – Scott Balcomb presented the permits – Army Corp of Engineers for a 404 Wetland's Permit, the Colorado Division of Minerals and Geology, Colorado Department of Public Health,

Fish and Wildlife Service, Water Quality Control Commissioner, Colorado Department of Transportation, and the City of Rifle. In every case, there's been extensive public notice and in most cases they have been at least provision for public hearing is any were requested. In almost every case there was no protest lodged with a couple of exemptions. In fact, the public hearing at the City of Rifle for the watershed permit was duly noticed and no one appeared but us. Scott said he could go through this ad nosium, they don't object to the permitting process but it is certainly getting to be a burdensome thing and with all of this behind us, it is our suggestion that the issues that the County legitimately looks at could most expeditiously be reviewed and we can proceed before the Commissioners as my office indicated.

A motion was made by Commissioner Stowe to set up a public hearing date for September 3rd to review the Mamm Creek Sand and Gravel Special Use Permit. Chairman Martin stepped down as Chair to second that and make sure this gets well noticed. There is a comment in the public and called Doug Grant to come forth.

Doug Grant – adjoining landowner stated he has been following this since the beginning. I came in to Mark's office, planning staff, at the beginning and reviewed what was in place with the maps and stuff and it was totally inadequate, totally empty to begin with and I wanted to know when I would be noticed so I could make comments on the process and I kept being told constantly that you'll be notified. It'll go before the Planning and Zoning Commission so the public will have a say. So many agencies, like the Division of Minerals and Geology, does not look at the things that the public and the local community are concerned with. Noise, dust, transportation, working time, hours, the pit operations, etc. It is a process that should be reviewed by the public and have public comment. Because the application originally left out, like, as an example, the Wash Plant, did not say that the City of Rifle's intake water, it wasn't even mentioned on the first plan. I feel, I don't even know what this plan has evolved to now. What is there? From the very original one, it has changed considerably till now and I would like comment as an adjacent landowner, as to what's going on. There a property line dispute that I have with the adjacent landowner that needs to be addressed; there's contamination problems, the Health Department has tried to stop a dump on Mamm Creek of the adjacent landowner; there's violations of State law that have not been addressed by this County on some of their gravel pits as an example, the one at the UMPTA site; Steve Hackett came out to look at the dump that I have a problem with and wouldn't even look at it cause he said he's on another property that I can't see from where I'm at and didn't even find Pete, when I asked him. The violation of the out of bonds at the UMPTA site was never addressed by the County. The Division of Minerals and Geology, I was told, sent the County maps and a letter wanting to know what the comments and what the County had to say about it. It was never addressed. The County never responded. I think you need to look at its track record also in a public arena of what the applicant's track has been, the history and to see and to look at water, as an example, I didn't see the public notification for the Rifle Watershed Permit at the end and it's one thing they tested for their water but they didn't test for the chemicals and things used in the processes of a concrete, asphalt and water washing. It's like going and testing water for just what's in the river and not what the chemicals and things they use in the process to do what we're doing at our sand and gravel pit. You need to get the MSDS sheets from these people and the volumes of chemicals they use that are on the MSDS sheets like 55 gallon drums and stuff - test for that material in the water instead of just for silt and ordinary water things. It's like going to Rifle UMPTA site not even testing for radioactivity or vanadium or the things there. Just testing for regular drinking water standards. I think there are a lot of things that have been left out. Yes, it's real time consuming and there's a lot of agencies you have to go to, to get a mining permit and it's well taken. You need to; this is a complex site on the banks of the Colorado River. The single most polluter of the ground and surface river in the State of Colorado is mining. And it's time that people look at our industry, I am in the sand and gravel mining industry and I'm speaking out now cause I'll highly upset that the people do not know and continually told, I'll tell you what, you need to know and are not told the things we're doing, especially in a complex site like this. It was designated a complex site by the Division of Minerals and Geology because of everything that's there, river, Riparian areas, wildlife habitats, water pollution and the means of flooding, etc. Wetlands. And it goes on and on. It's the complexity of the site that's why the pile of agencies and things aren't hired yet to look as opposed to one to a gravel pit that's out away from everything in a dry land area, or an area that's not complex, doesn't have the lot. There's a lot of things to look at, that's why it's complex, that's why it takes time and that's why we need public comments and the public to scrutinize it. I'm an adjacent landowner and I'm concerned. I spoke out against the other gravel pit at Silt for these same reasons. It's time to look at it and look at it real closely on these river sites. Because it is public policy to open up more surface water when we're running out of water. Water is short. Let me give you an example, the evaporative loss to the

shoulder seasons of our gravel pit amounts to about twelve acre feet that I have to buy a water contract for to replace the evaporative loss. One acre-foot will supply a family for a year, two families per year. And I'm using twelve acre-feet just for the first phase. At least twenty-four families could be supplied with water for a year. At the build-out of my lake, could be as big as 167 acres and could be five times that twelve acre feet of water needed to cover the evaporative loss in the shoulder seasons. And it's even more when you open a service and you don't have irrigation water that hasn't been historically irrigated. And the discharges from these gravel pits, I'll get back to testing, is based on how much the river flows and how it can dilute your affluent, your discharge, to make it safe for the next person downstream. With our river and streams running so lot, it was quite evident at the 5th Street Bridge in Grand Junction that there was stuff being dumped in the river that nobody knew about. When antifreeze and charcoal shows up in a pond by the 5th Street Bridge after the river goes down and people begin to wonder what's going on – where is this coming from. And yeah, the EBA says no one would have noticed it had the river not gone lower. And so we've reached the levels of solo, the rivers begin to recede like they are, the more stuff we dump into them, the more polluted it is. And you wonder why we have birth defects, people are sick and you know. And you wait for a body count before we do anything. I think it's time to revisit a lot of this stuff.

Commissioner Stowe - At the September 3rd meeting will be an open public forum and I believe you will be given written notice of that.

Mark confirmed that he will be given at least 30 days notice.

Commissioner Stowe – And that would be the time to state your case as well as anybody else that has concerns and hopefully the applicants will be ready and prepared to address those at that time, Mr. Grant.

Doug Grant – that's just before the County Commissioners, not before the Planning and Zoning Commission were people can look at it.

Commissioner Stowe – people look at it here too, this is an open forum here. This room could have a hundred people testify that day if that many chose to come in here. This is an open public forum; the Commissioners do not make the decision until after all testimony is heard.

Doug Grant – But it's still not a Board of citizens that normally, a gravel pit

Chairman Martin – in reference to making recommendations to the Commissioners is what you're looking at after they review it.

Doug Grant – Right and it's a Board of citizens that look at it. I've applied for gravel pits in Eagle County and it always went before the Planning and Zoning commission. I've tried to apply for gravel pits in Garfield County but I come into the Planning and Zoning Commission and they tell me you'll get beat up by your competitors. You don't have a prayer. I have never been able to get a gravel pit permit in Garfield or Eagle County. I had to buy the gravel pit I have now to be able to mine there. I was turned down in Eagle County when I applied for a gravel pit there; it was unanimously approved through Planning and Zoning and got to the political level and was turned down. It took me four and a half years to get a final resolution for the Garfield, Eagle County Commissioners for that permit. That's why I think the citizens need to look at the whole thing. People, citizens of the community.

Commissioner Stowe – my motion stands. Chairman Martin said he thought there were some good points made in reference to input and what have you but thinks the Commissioners can be able to address that and we don't have to make that determination on the day of the hearing. The hearing can be continued if there is more information and expertise needed. Motion carried.

Mark said there would be a public review copy of the application as well within a week. Associated with that, the applicant has authorized and staff would request that the Board authorize the signing of the Contract with Dennis Stranger to provide planning services to review this particular application.

Commissioner Stowe – so moved. He said he understood the applicant is going to pay the fees. Mark confirmed it was at the applicant's expense but Mr. Stranger will work for the Board of County Commissioners and the County. Chairman Martin stepped down as Chair to second the motion; carried.

Employee of the Month – Lori Gish

Mary Meisner and Wanda Berryman were present.

Lori Gish was presented the award by Public Health Director Mary Meisner who stated that Lori is the WIC education and she is very proud to have her working in this department. She is a pleasure to work with and she always has a welcome smile, plenty of energy and a sheer pleasure to be around. During the Coal Seam, Lori used her bilingual skills the entire weekend and she and her husband volunteered to work at the shelter as well. Lori commented that she was enjoying her position and has great bosses.

HUMAN SERVICES COMMISSION

YOUTHZONE - Deb Wilder

This was rescheduled to August 19th.

TANF Bonus

Margaret advised the Board that this was a Board of County Commissioners issue. She stated that this was discussed at our last meeting and Margaret recommended that the Board approve placing this in the Social Services fund. No decision was made at that meeting. The check has come in before Margaret could see it and it was deposited to Social Services Alpine Bank fund but it has not been designated to a particular fund account. That is basically, well, the Board hasn't made a decision so I told everyone to hold the fort.

Don stated that's where the last time this was discussed I recommended that if the Board was going to use it in Social Services; you deposit it directly in the Social Services fund and not put it in the general fund. There's specific case law in regard to funds transferring from general fund to Road and Bridge fund for instance that prohibits that transfer. So, you need to be a little bit careful about where the initial deposit is and that's what I told you last time. Margaret confirmed the amount was \$52,000. She added that she was not trying to be difficult, but just wanted to get it done right. Commissioner's concern is that she has places she could use it, she's been very diligent in managing the funds throughout the years, but we've had cases where the money is there and his concern is not to be looking where you could spend it. Margaret said, if you need it somewhere else, I certainly will understand that, I'm just trying to get the mechanics of it so that we don't create a problem. Many years ago Chuck and I did some transferring and Don came down on us. This got her attention; she was helping out the Road and Bridge fund. So, a transfer can be done Don, between one fund balance to another by Resolution of the Board. Don clarified when you say from one fund balance by Resolution, what are you talking about. Margaret said, as Jesse suggested, if the \$52,000 went into the general fund, which is a place that could always use this, then if we say, all right, as we're constructing budgets and start looking at things, can the Board do a Resolution. Don said, if we're going to discuss this much further, we really need to go into Executive Session because these types of transfers, or have been frequently the subject of litigation. Margaret said, she was not anxious, it's just sitting there, it's not a lot of interest that you are losing, and it's the Board's decision. Commissioner Stowe recommended discussing this in Executive Session. Even if we don't get back to you in two weeks we're talking about roughly \$50 in interest we would lose.

SOCIAL SERVICES

Margaret Long presented the following:

The Single Entry Point Contract

Margaret discussed this on June 20, 2002 before with the Board. She handed out information that was presented to the Board of Options of Long Term Care. This was one of the areas affected by the Governor's vetoes on Long Bill items. Our contract is going to be about \$35,000 less than Margaret had anticipated for the fiscal year that started July

She fully explained the report.

Commissioner Stowe noted that this was covered for this year and \$7,000 for next year and then we'll look at the budget process. At this level, the County can handle it, if it increases, unsure.

A motion was made by Commissioner Stowe to authorize the Chair to sign the contract July 1, 2002 through July 1, 2003. Chairman Martin who stepped down as Chair to second. Motion carried.

Child Care Quality Improvement Grants

Don DeFord has approved the contract except for one item that needs Board action. These contracts are for \$1,000 and the money is to be used to purchase equipment and other supplies that will allow the providers to improve the quality of the care they provide. If we were a private foundation, we would consider them grants. As a County, we cannot do grants and thus must proceed by contract. The County Attorney recommends in all contracts that the contractor provide insurance. In the past with these grants, the Board has waived this requirement due to the fact that the contracts are with very small businesses, that the liability exposure is limited and that the money conveyed in the contract is, at least in some instances, probably less than the cost to the contractor to provide insurance. We do encourage providers to get insurance but it is not required under state licensing rules. The Department strongly recommends the Board allow the contracts to be executed without requiring insurance.

Commissioner Stowe made a motion to approve the grant as described and the Chair to be authorized to sign. Chairman Martin stepped down as Chair to second. Motion carried.

A motion was made to come out of the Board of Social Services by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair; motion carried.

A motion was made to go into the Board of Health by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair; motion carried.

BOARD OF HEALTH

Mary Meisner and Wanda Berryman were present.

Mary reported that there was a slight increase in the CDEPHE Contracts and she thanked Ed who took time out of his agenda to get the contracts signed.

The WIC contract – there is some uncertainty but it will probably be flat funding; they are still in negotiations.

The immunization program regarding Tetanus and Diphtheria is better. They have been working with providers, as they weren't able to give the boosters for a time.

Healthy Beginnings – Wanda Berryman

Wanda reported they continue to move forward. Board is looking at redefining and how to function, need a legal review to be sure they meet the guidelines. Numbers in 2001 were 328 women served; as of July this year, they have served 208. Board needs to be aware this has been going up; she said 60 to 90% are undocumented. Spent a considerable amount of time in reconciling the budget, they are actually under budget in some areas. She completed an average of the dollars needed to take care of the clients and the actual expenditures took this over a 3-year period and divided it per client. This would provide a sum of about \$1,000 a client. Wanda anticipated she would have a true figure fairly soon.

Chairman Martin suggested putting 3 years worth of data together before budget so the Board can seriously look at this.

With the move, it may improve the internal efficiency. Some needs with staffing may emerge.

A lot of positive things to report, they are looking for revenue sources. They are doing well in budget.

Clarifying a concern voiced by Commissioner Stowe, Wanda said the undocumented qualify for presumptive aid through Medicaid; after the funds run out, they are no longer qualified for Medicaid. It can be self-paid or through the block grant. A few went across to Mexico before the baby is born. They had three (3) families do that in the last month. Wanda stated this reflects the economy.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to come out of the Board of Health; motion carried.

REQUEST TO CONSIDER APPROVAL OF A SUBDIVISION EXEMPTION FOR PROPERTY LOCATED APPROXIMATELY FIVE (5) MILES WEST OF CARBONDALE, OFF STATE HIGHWAY 82. APPLICANTS: DENNIS AND PATRICIA CERISE

Don DeFord, Mark Bean, Dennis Cerise and Attorney Courtney Petre were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application with attachments; Exhibit D – Project Information and Staff Comments; Exhibit E – Garfield County Subdivision Regulations of 1984 as amended.

Chairman Martin entered Exhibits A - E into the record.

Mark stated this is an exemption from the definition of subdivision of a 16.54 acre tract with access off State Highway 82, approximately five (5) miles east of Carbondale. The applicants propose to split the tract by exemption, into three (3) parcels with lot sizes of the new parcels being 5.42, 5.48, and 5.54 acres each.

Mark continued to review the relationship to the Comprehensive Plan, Major Issues and Concerns,

Suggested Findings

8:52 – first sentence – “limitation on the total of parcels, interests or dwelling units...” was read into the record.

Technically the language as it reads right now, regardless – this parcel has been split in 1983 and in 67 lots as part of the subdivision.

Recommendation:

Staff recommends Denial of the application due to noncompliance with Section 8:52 (A) of the Garfield County Subdivision Regulations of 1984, as amended.

Applicant: Courtney disagreed both logically and literally with the recommendation and she gave the history saying that one child never got the property intended for her. She feels this can be granted to her. This is not in the interest of the public nor is it detrimental to the health, safety, and welfare of the County. They have asked for three, but are willing to take just one lot at the top for Helen and Dennis will keep the rest of it. They will take one lot instead of two. This is well within the discretion of the Board. If the Board confined this to exemptions, there are not more than four lots.

Don DeFord commented and had discussions with both Courtney and Mark about this provision. First of all this section does apply to exemptions, it does not apply to subdivisions that as to the limitation of the number of lots. The Cerise Subdivision clearly exceeds the four-lot limit as this was created in 1973. It does not prevent a split of the property, it simply prevents by exemption. It requires it to go through the subdivision process. The more usual example that we see in this is not one where there's a subdivision that's been created with many lots and then they want to come for an exemption, but one where a property owner has decided to go through a 35-acre split. And when they do that, they cannot go through our exemption process; they have to go through our subdivision process. There are a number of examples in the County where people have even had to go through subdivision for one lot because of this provision. Courtney said it seems like a waste in time and money – she doesn't read the regulations in the same way. A motion was made by Commissioner Stowe to close the Public Hearing and Chairman Martin stepped down as Chair to second; motion carried.

A motion was made by Commissioner Stowe to follow the staff's recommendation for denial based on the same findings. Chairman Martin stepped down as Chair to second; motion carried.

Chairman Martin stated he was sympathetic to Dennis and wanted to work with the family trying to preserve something for each individual member.

Commissioner Stowe told Denny it isn't personal; its gray area and he read the regulation and his interpretation is the same as Don and Mark. Stowe - Aye, Martin - Aye. Motion carried.

Bookclift Farm PUD

Mark submitted the draft letter regarding the Bookclift Farm PUD and the fact that the Board did not want to waive the annexation report requirements. This is based on particular concern of traffic impacts to County Road 216, 231 233 and 236 as a result of the addition of 137 dwelling units to the area and the limited amount of right of way available to make improvements to the property.

Discussion of the SUP for Kennel in the A/R/RD Zone District

The draft resolution was submitted and discussed by the Board. It was decided that the waste issue needed to be changed to include "in sealed containers and hauled off weekly" and staff was requested to hire a sound engineer, Ed Ware – audiologist to provide a demonstration with 50 decibels adding they need to know for our own benefit. It was also suggested that Mark price these measuring units and purchase one for the County. Other conditions included an acre per dog with a maximum of 40 dogs, outdoor runs only during daylight hours, no noise pass the 50 db's from sunset to sunrise; dust control measures, and that Carolyn Dahlgren and Mark work together with a rough draft Resolution at either the August 5th or August 12th Board Meeting.

New Planner – Tamara Pregl formerly of Pitkin County; she starts July 29th.

Executive Session – Social Services and the \$52,000 and Litigation Updates.

A motion was made by Commissioner Stowe go into Executive Session to obtain legal advise and updates on pending litigation issues. Chairman Martin stepped down as Chair to second; motion carried.

Recess

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to Recess until Friday, July 26th for the Board of Equalization public hearings; motion carried.

Attest:

Chairman of the Board

JULY 19, 2002
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, July 19, 2002 with Chairman John Martin and Commissioners Walt Stowe present. Larry McCown via telephone conference. Also present were County Manager Ed Green, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf, Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order.

EXECUTIVE SESSION – TIF LITIGATION WITH THE CITY OF GLENWOOD SPRINGS

Don DeFord requested the Board go into an Executive Session to discuss TIF litigation with the City and other litigation to bring the Commissioners up to notice.

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

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

Chairman Martin stated that after Executive Session and review of pending litigation, the Board took the following action.

A motion was made by Commissioner Stowe to authorize expenditures not to exceed \$7500.00 to receive a memo regarding the standing of Jesse Smith with regards to pending litigation on the TIF matter and the County bearer may not be affected by such litigation. Commissioner McCown seconded the motion.

Discussion – Don DeFord asked Commissioner Stowe if he would include in his motion the finding being is in the public interest. Commissioner Stowe amended his motion to include that; Commissioner McCown amended his second; motion carried.

MEETINGS

- **8:00 A.M. JULY 26, 2002 FOR BOARD OF COUNTY COMMISSIONERS – CONTRACT ISSUES - ED GREEN**
- **9:00 A.M. JULY 26, 2002 FOR BOARD OF EQUALIZATION – APPEALS**

Don informed the Board that these are individual properties but they are all represented by one law firm of Holland and Hart and it's all the same issue.

RECESS

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Friday, July 26, 2002 at 8:00 a.m.; motion carried.

Attest:

Chairman of the Board

JULY 26, 2002
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 26, 2002 with Chairman John Martin and Commissioners Walt Stowe present. Larry McCown was absent. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Marian Clayton, Deputy Clerk & Recorder.

CALL TO ORDER

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

AWARD OF ROAD AND BRIDGE UTILITY INSTALLATION OF AIRPORT SHOP

Randy Withee, Jeff Nelson and Tim Arnett presented the bids from Condon Construction, Schmueser and Associates; Con-Sy, M&M Construction, Meldor Construction, and Aspen Earthmoving.

The recommendation was to award the contract to Meldor Construction for \$664,961.47

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the contract for the Road and Bridge MOC Utilities and Roadway Project to Meldor Construction for the amount of \$664,961.47; motion carried.

DISCUSSION AND APPROVAL OF EMERGENCY RESOLUTION

Guy Meyer explained the Resolution creating the Garfield County Multiple Agency Coordination Group. Discussion

Chairman Martin suggested that the Coroner needed to be included in the signature line.

The Personnel Policies were updated to agree with the MAC Resolution regarding Emergency personnel and pay.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the signature of the Chair with the addition of the Coroner as a signatory and as a County officer.

Other agencies needed to be included, but this Resolution establishes the way we are going to do business. Motion carried.

DISCUSSION – CONSULTANT FOR AIRPORT

Brian Condie presented the recommendation to approve the contract negotiations with Barnard Dunkelberg & Company to complete an Environmental Assessment for the Garfield County Regional Airport. The interview panel included Ed Green, Dale Hancock and Brian Condie. Out of the firms of Barnard Dunkelberg and Company, Carter and Burgess and Airport Development Group, the felt Barnard Dunkelberg & Company was the firm they were most confident in hiring. They have done work for Eagle Airport and very familiar with the area. They are committed to consider only the best interests of Garfield County by purpose and need approach; they demonstrated abilities of professional performance in all area and have a solid history of successful EA projects.

A motion was made by Commissioner Stowe and seconded by Commissioner Stowe to approve the following firms for the Environmental Assessment and proceed with negotiations and scope of work, number one being Bernard Dunkelberg and Company, number two Carter Burgess and failing that, number three the Airport Development Group. Motion carried.

EXECUTIVE SESSION – LITIGATION UPDATE – VACATION OF THE ROAD ON THE PREHM RANCH PROPERTY; TIF – CMC and RED FEATHER SUBDIVISION ANNEXATION

Don DeFord - I need to discuss pending or proposed litigation; I have three items to discuss with the Board this morning.

Commissioner McCown – And I think there was one other item that Walt wanted.

Commissioner Stowe – I would like the vacation of the road on the Prehm Ranch property.

Don DeFord – all right, we can include that Prehm Ranch Westbank Litigation was one of the item I needed to discuss with you anyway.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss matters of litigation as aforementioned; motion carried.

Don requested the Board, Jesse, Ed, Carolyn and Marian in Mildred's absence, to be present for the discussion.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Equalization; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of County Commissioners; motion carried.

DISCUSSION AND APPROVAL OF LEASE ON BATTLEMENT MESA SUBSTATION (SHERIFF)

Don DeFord presented the Lease for the Battlement Mesa Substation for the Sheriff. This has been on going since the first of the year – a lot of back and forth. Lease is for a not to exceed \$800 lease amount a month. Before we sign the next contract, Tom Dalessandri will get back to the Board – this will require a budget supplement. This will be through the end of the year 2002.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the lease for a not to exceed \$800 a month for budget year 2002; motion carried.

BOE Decisions

Commissioner Stowe made a motion to come out of Board of County Commissioners to go into the Board of Equalization for decisions on the hearings; Commissioner McCown seconded; motion carried.

Executive Session - Continued

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go back into the Board of County Commissioners and into an Executive Session to continue discussing a litigation matter that Commissioner Stowe brought forward regarding vacation of the road in Prehm Ranch that required additional legal advice; motion carried.

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

Motion and Direction to Staff – Prehm Ranch/Westbank Ranch

Commissioner Stowe made a motion that we, regarding the Prehm matter, that we withdraw our conditional approval of the vacation of the road easement that is through the Prehm and Westbank area, based on the fact that the settlement hasn't occurred and that we proceed forth with some point to set a new hearing to discuss the possible vacation of that road and that we set that hearing for August 19th and that we notice all public entities including both municipalities and public and private individuals; and I would include in that motion direction to commence rescission of the approval of the amended plat for Westbank Ranch and the amended exemption plat for the Prehm exemption and set the time frame consistent with the regulations. Commissioner McCown – second. Vote – 3 – 0 in favor. Motion carried.

Don DeFord – Also on Prehm, as I've informed you, we have a current proposal motion in front of the court to enforce the settlement agreement given the action you've just taken, I would like direction to staff at this point to oppose the motion to enforce settlement and inform the court that there is a failure of settlement.

Commissioner Stowe – so moved. Commissioner McCown – second. Vote 3 – 0. Motion carried.

Authorize Cops Grant Review and Certification of Funds Spent

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that upon the review of the County Attorney, the Chair be authorized to sign the Agreement involvement the Cops Grant from the Sheriff's Department; carried.

Adjourn

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

Attest:

Chairman of the Board

AUGUST 5, 2002
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 5, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney Carolyn Dahlgren, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Shannon Hurst informed the Commissioners of a proposal. She has been working with the Rio Blanco and has a field worker for oil and gas. She put in the budget Chevron 19 years, based out of Meeker, \$12.00 hour and would like to have him start in September. She will pay for one night in a motel and his meals. She said she could work this into

Rangley next month – Shannon with the Oil and Gas Commission next month.

COUNTY MANAGER UPDATE – ED GREEN

a. Employee of the Month – Jean Richardson, Treasurer's Office

Georgia Chamberlain and Jan Burns were present with Jean. Georgia said she was privileged to have Jean Richardson as her deputy. She's a smart worker, getting the job done and getting it done well. Jean is high-energy and gives a 100% everyday. She's helpful to customers as well as to other offices and is currently on the EPIC Committee.

The auditor's recommended Jean for Employee of the Month because of the assistance she has consistently given them over the years. She is a very deserving recipient of this award.

b. Valley View Hospital Phase I Update – Mike Biles

Gary Brewer and Mike Biles reviewed the Phase I construction plans for the hospital. Phase I is mainly parking and rerouting of the road. They do have a Special Election set for September 24, 2002 here in Glenwood Springs to see about closing that portion of Nineteenth Street and Palmer Avenue around the hospital. They are looking to start Phase I doing the parking lot up to the east so they impact any of the current parking at the hospital. Once the east parking lot is built, we'll have about 200 parking to alleviate some of the problems. They plan to extend Palmer around the east perimeter of the property and then down along the north side of the property back out to Blake Avenue, they will be relocating utilities in there. Also, they will begin work on the Powerhouse on the south side of the property between the Hospital and Sunnyside Retirement Center. They met with Sunnyside's Board to discuss the powerhouse and the project and as they excavate over there, the only thing that will slightly impact them will be some temporary soil nails to stabilize that. The soil nails will cross that property line between the hospital and Sunnyside down below grade but there are temporary. Chairman Martin said the City of Glenwood Springs notified them of the utility relocation. The site work is estimated to take about 9 months so excavation for the expansion will not start until May or June 2003 and then that work is estimated to take about 14 – 16 months. Gary Brewer acknowledged the hospital was lax in getting information and updates to the Commissioners and the plan for the future is to make sure they come before the Board and supply them with information. They are still hoping to work with the County on some additional property where the loading dock is currently located, and possibly the Mountain View Building. They are looking at bonding and are receiving the funds for what would be the first two Phases of the project which is more building the emergency room, radiology, new family birth place, and then that allows us to go back and put the money into surgery suites so that area can grow. The funds except for parking will all be for patient care. Phase 5 or 6 they will come back to the Board to talk about a piece of property. If we don't get it, it's between us and the Social Services building, they could make do, it would be the old loading dock would stay the way it is. They are hoping to figure out a way, and will sit down and work with the Commissioners before we get there. The problem is money. Gary said the expansion design package comes out on November 4 or thereabout and they will come back before the Board. Commissioner Stowe wants to keep the communication lines open; that's the major point. The Commissioners acknowledge the importance of the hospital on the entire County.

c. Policy Change Recommendation: Emergency Pay – Judy Osman

The language agreed upon at the July 16, 2002 meeting of the Personnel Committee for submission to the Board was reviewed. Judy stated that this clarifies who can call employees to work in an emergency, who will be paid and at what rate, and specifically refers staff of the elected officials, Clerk, Treasurer, Assessor, Coroner to their discretion.

Amendment into the MAC Resolution to incorporate the Personnel Policy. Georgia Chamberlain said she had a lot of feedback from the employees that they are not overly comfortable with having to use a PDO or MSL day if the Courthouse is closed, and they can't come to work, they can not get paid. The feedback is they don't like it. The majority of employees have been here a while and have an MSL or a PDO to give up, but for new employees have it and then they have to give up a day's pay. Ed felt it was a benefit for employees to have the option to use their accumulated leave and new employees need to understand that they must not use all their leave.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Policy change regarding Emergency Pay as presented.

Commissioner Stowe asked if this motion included the recommendation included the MAC Resolution to be in compliance with the Personnel Policy.

Commissioner McCown amended his motion. Commissioner Stowe amended his second. Motion carried.

d. New Policy Recommendation: Telecommuting – Judy Osman

Carolyn Dahlgren, Lynn Renick and Judy Osman presented the Policy No. 2.06.01 for the discussion of the Board. This telecommuting policy applies to all exempt and non-exempt Garfield County employees working a consistent schedule from a remote work location that is not a County owned/leased office. It is not an employee benefit to which an employee is entitled, rather it is an alternative work arrangement that may be used when deemed appropriate by the County by way of final approval by the County Manager, for a position within a Department, or the Elected Official, for a position within an office. The applicable forms were included for the review.

Chairman Martin mentioned the department head or elected official can complete an inspection of the remote location outside of the County.

Lynn Renick added that it would take at least a week to comply and be approved or denied. No one would be telecommuting after 30-days

Georgia Chamberlain stated she appreciates the suggestion made by Commissioner Stowe and commented that the 30-day grace period to get the applications processed would be very helpful. Telecommuting is a good thing when there are rules and applications, it can be done effectively and efficiently across the county. Regional employees – regional programs have already purchased equipment for the implementation of these services by County employees.

Mildred mentioned that it was a good step forward and could the benefit.

A motion was made by Commissioner Stowe and seconded by Commissioner to approve the 2.06.01 policy and implementation within 30 days in order to give the employees effected time to apply and be approved or denied. Motion carried.

Airport

Brian Condie presented the following items:

e. Approve Jim Snyder Land Lease - Airport

The review points included: Lease Term – 5 years – August 1, 2002 – July 31, 2007; the Ground Lease - \$250/year base + CIP; Discounted rate due to five (5) year CIP incursions onto property; 14 day notice to remove animals for needed CIP work.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Jim Snyder lease as presented subject to the review of the County Attorney. Motion carried.

f. Approve Andy Julius Land Lease - Airport

Lease Term – 5 years – August 1, 2002 – July 31, 2007; Ground Lease - \$500/year base + CIP; Up to ten (10) vehicles staged on property from September through December for hunting season. Five (5) vehicles maximum other times. No abandoned vehicles.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Julius Land Lease as presented subject to the review of the County Attorney. Motion carried.

g. Approve Precision Maintenance Aircraft Hangar Land Lease – Airport

Hangar and Operating Lease Agreement; Airport Minimum Standards; Rules and Regulations; Lease Term – 5 Years – January 1, 2003 – December 31, 2008; Rates and charges: \$375/month hangar base rate + CIP; Monthly water tap fee

Considerations: Three AC tie down spaces included in the rate; Responsible for all maintenance to hangar; Sub-station of premises; DC-3 Unknown intent.

Discussion was held with respect to Precision getting into compliance; parking his equipment of a ramp; liability with the County; and the possibility of allowing someone someday to replace this building with a new hangar and the County would

Brian said this was a heads-up and if the Commissioners give the go ahead, he and Carolyn will work on the lease.

h. AV TEC FASO Request – Airport

Aircraft Maintenance and Sales. Sublease sufficient space for proposed activity from Zulu Golf. Benefit to Airport of FAA certified repair station.

Operating Agreement – use the standard. This brings them into compliance with all the rules and regulations.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the agreement with AV TEC pending review of the County Attorney; Motion carried.

i. Airport Status Report

- Fuel Sales for 2002 are 24% higher than same period in 2002.
- Air Melinda LLC has submitted a letter of intent to lease ground and construct a corporate hangar.
- Environmental Assessment proceeding.
- Airport appearance improvement project underway.

j. Vehicle Disposal Recommendation

- Sale of 1980 Oshkosh Rollover Snowplow as excess equipment.
- Scrap 1974 IH fire truck, inoperative
- Scrap 1974 Ford 900 fire truck, inoperative
- Communications Trailer – decision needed

Commissioner McCown mentioned he would like to have Brian contact the local fire districts to see if they want the equipment and if so, the County would give it to them.

Discussion regarding the communication trailer was held and Guy Meyer clarified the questions being asked.

i. Social Services/Single Entry Point Caregiver Grant

The Area Agency on Aging of Northwest Colorado is pleased to present a Notice of Grant Award (NOGA) for \$71,858 as part of the Area Plan for Aging Services in Region XI – Mesa, Garfield, Rio Blanco, Moffat, and Routt Counties. The funds are provided by the Older Americans Act of 1995. This is a specific award for the provision of caregiver services by the Garfield Department of Social Services in the County. A motion was made by Commissioner Stowe to rescind the original Single Entry Point Caregiver Grant and replace it with the newest grant and the Chair be authorized to sign that form. Commissioner McCown seconded; motion carried. The earlier grant was for \$23,423 and it's not up to \$71,858.

j. Child Care Grant

Carolyn stated on this contract, the way to keep this going was for Garfield County to enter into a contract with the State for \$1.00. We're not getting the State money. The Board approved signature, it was signed, it went back to the State and not until it hit State accounting did we realize the dollar amount had not been changed. So, the contract still says it's for how ever many hundreds of thousands of dollars it was. Oops – they did not approve it and sent it back to us. Carolyn said we will trust them to send us back that page so that we could cross out that amount and put \$1.00, have Chairman Martin initial, and then it will go back through the State system. Carolyn asked that Chairman Martin be authorized to sign such an amendment to that contract.

Commissioner Stowe – so moved; Commissioner McCown – seconded; motion carried.

k. Change Order for Rural Resort Heritage Grant

Commissioner Stowe gave the update. This is not additional dollar change.

Commissioner Stowe made a motion and Commissioner McCown seconded to extend the deadline to December 31, 2003. Amended motion by Commissioner Stowe and seconded by Commissioner McCown adding “pending review of County Attorney”; motion carried.

l. City – Design Review of the Bridge Project

The City will hold this review on October 3, @ 5: PM and inquired if this was acceptable with the Commissioners. The meeting will be held at the City Council Chambers.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. RENEW FIREWORKS/FIRE BAN

Carolyn Dahlgren Guy Meyer submitted the weather report showing there was no change in the fuel moisture content.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the renewal until September 16, 2002 for further review. Commissioner McCown amended his motion to renew the ban on September 3, 2002; Commissioner Stowe amended his second. Motion carried.

Discussion of the hunting season and the possibility of the discharge of black powder firearms and whether or not this would come under the ban. The Board thought it would.

**b. EXECUTIVE SESSION – PREHM RANCH/WESTBANK RANCH LITIGATION;
CMC AND PERSONNEL ISSUE**

Carolyn Dahlgren was present for Don DeFord who was on vacation. Carolyn requested the Board Ed, Jesse, Mildred, and she remain for the session.

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

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

c. Single Entry Contract

Carolyn Dahlgren reviewed the contract at the request of the Board. She assured the Board there was a 60-day notification required and the Commissioners should calendar it for review in September 2002.

COMMISSIONER REPORT

Commissioner Stowe – Roaring Fork Housing Initiative on Wednesday at 9:00 A.M.; and a Valley Trails Meeting at 6:30 P.M. Wednesday, New Castle Community Center.

Commissioner McCown – Fair, Livestock show from Wed through Friday

Chairman Martin – Cookie Jar on Friday at 12:30 P.M. at the Fair.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Conditional Use Permit for Nancy Smith Home Occupation
- c. Sign the Re-Subdivision of Block 11 and a portion of Sopris Avenue, Townsite of Cooperton Plat
 - a. Sign Special Use Permit for Tom and Vickie Fisher
 - b. Sign a Special Use Permit for Skyline Ranch & Kennels and Uintah Basin Electronic Telecommunications (UBET)
 - c. Sign a Resolution of Approval for a Special Use Permit for Richard and Karen Rhoades and NTCH Colorado, Inc.
 - d. Sign a Contract for Services with Jeff Simonson, SGM, for Engineering Services Related to Land Use Reviews

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a – g; item h was previously handled; carried.

REQUEST FOR APPROVAL – AMENDMENTS TO THE 2002 ADOPTED BUDGET – JESSE SMITH

Chairman Martin sworn in Jesse Smith.

Carolyn reviewed the notification and determined it was in order and the Board was entitled to proceed.

Carolyn submitted Exhibit A – Proof of Publication; and Exhibit B – Amendments to the 2002 Budget and 6th amended appropriation of funds.

Jesse reviewed the amendments and explained the report.

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

A motion was made by Commissioner McCown to approve the 6th Amendment to the budget as in Exhibit A and B as presented by Jesse Smith and that the Chair be authorized to sign; motion carried.

PUBLIC MEETINGS

a. Semi-Annual Treasurer's Report – Georgia Chamberlain

Georgia Chamberlain and Jean Richardson gave the report from December 31, 2001 through June 20, 2002.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the report and to direct Georgia Chamberlain to publish the report in the newspaper; motion carried.

Georgia said she will pay the warrants once they have cleared the bank. Jesse and Georgia designed a flow chart. The software is not able to provide her with the reports necessary to balance the accounts. The Commissioners will need to pass a Resolution to reflect the current statutes present for paying warrants.

Jesse said this would make things easier for the Treasurer and the Accounting Office.

b. Consider a Request by the Town of New Castle to Waive the Annexation Report for Eagle's Ridge Ranch Development

Leavenworth & Karp, David H. McConaughy and David Myler, attorney for the Eagle's Ridge Ranch Development submitted the request based on a letter received from the law firm of Frellich, Myler, Leitner & Carlisle of Aspen on behalf of the Eagle's Ridge Ranch Development. The annexation of land is

approximately 177 acres, which is proposed for development as part of the PUD. Previously 317 acres were annexed and no annexation report was required. Eagle's Ridge will be providing the Town of New Castle with a comprehensive economic impact analysis for the entire Eagle's Ridge Ranch Project. This report will address all of the issues normally contained with an annexation impact report that would otherwise be limited to the annexation area.

In conversations with Don DeFord, he relayed that the Commissioners will be interested in any plans for maintaining or improving access to the New Castle Cemetery and beyond in connection with development of Eagles Ridge Ranch. Those issues related to the cemetery road, public access regarding the North Road, the intent to construct and dedicate to the Town a road network that will provide public access to the cemetery directly from Castle Valley Boulevard to at least four locations on the eastern boundary of Eagles Ridge Ranch. David Myler, of the law firm for Eagles stated that the proposed development of the Ranch would actually enhance the possibilities for public access through Eagles Ridge Ranch to the adjacent BLM lands as well as Harris Park and Boiler Springs. Mark Bean stated that originally they had a concern regarding the cemetery road. Forest Service representative, David Silvius, Rife Ranger District, White River Forest Service – the Forest Service support some type of development plan. Brian Hopkins, Community Planner for BLM, wants to be involved in public access issues as well. Ron Hackert – Road Specialist, BLM – did resolve some issues on the Elk Road access. Henry Park, the lower portion of the road and subject of the road. There is no agreement in place for cemetery road. David N. McConaughy suggested the speaker's public hearing, August 14, 7:00 p.m. and encouraged participation to voice concerns to the Town Council. David Myler was in agreement that all public entities be involved. They are proposing a network of roads to connect 2-300 – to private and public lands. The road to the cemetery has been closed off and review the Waffle House Case, there are many – case dismissed for lack of prosecution. Carolyn Dahlgren did not know that the case has been dismissed. David McConaughy – it was checked on Friday and the Court confirmed the case was in the achieves. Don DeFord's recommendation was to require an annexation report. Mark said if we waive the right to annex in order to have some leverage in case there are any issues for future litigation. There is a present IGA in effect with all municipalities and the County. The development plan should have been submitted to the County prior to the August 14. Mark stated that Don's only concern was with the cemetery road. The cemetery road beyond the cemetery to the public lands is of concern to the County and the focal point of Don's concerns. David Myler said 90% of these 500 acres would be on the presently annexed area. The new 177 acres will be for the golf course and will not be enough to trigger intersections. Total number of units is estimated to be 700 homes and an 18-hole golf course.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request by the Town of New Castle to waive the annexation report for the Eagle's Ridge Ranch Development.

Commissioner Stowe voiced his concern that the County did not receive a copy of the plan. Motion carried.

CONSIDER A REQUEST FROM THE TOWN OF SILT TO WAIVE THE ANNEXATION REPORT REQUIREMENT FOR THE HERON'S NEXT PUD ANNEXATION

Janet Steinbach, Community Development Director request that Garfield County waive the requirement for an annexation impact report regarding the Heron's Nest PUD and Annexation to the Town of Silt. There are no County Roads adjacent to this property. The location of the land to be annexed in south of Interstate 70, west of Interchange (currently Viking RF Park). The site is Ag/Industrial (A/I) under the jurisdiction of Garfield County. They are proposed to develop the site and re-zone the property. The proposed development includes mixed-use commercial and residential. It is proposed to comprise 82 dwelling units, in single family and townhouse configurations, along with an office building, hotel, and restaurant. Chairman Martin said this does concern him with respect to the interchange. Ms. Roe submitted a letter stating in the Section 2.6 changes in land use codes, which affect traffic access, etc. Mark Bean said he didn't have any specific direct issues from a County perspective. This is taking away a valuable asset to the public. He suggested addressing this as a concern and all municipalities should be considering this in their land use applications.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request to waive the annexation report and send a letter stating the concern of eliminating the RV Park and state the provision in the IGA; motion carried.

WORK SESSION – DISCUSSION OF FUTURE USE OF COURTHOUSE SPACE

Ed Green said this had been cancelled. The Judge was not able to be present and therefore the discussion was determined to be non-productive if all parties could not be present.

CONTINUED DISCUSSION OF THE TUCKER-FRASER (AKA TEEPEE PARK) SPECIAL USE PERMIT COMPLIANCE ISSUES

Jim Beckwith, George Bauer, Bill Gherardi, Mark Bean, Don DeFord and Kelley Rogers of the Forest Service were present.

Jim submitted a summary report for Teepee Park, Garfield County Resolution 97-70 and a response to complain by George Bauer. This was before the Board on July 1, 2002. Based on information then provided, the matter was recessed and scheduled for further information gathering on August 5, 2002. On July 24, 2002, a conference was held with Garfield County Planning and the Garfield County Attorney at which time additional information was supplied.

Jim stated they believe they have not changed the permit regarding the Resolution. He addressed specific issues were: Conversions on Citations to Forest Management Plan; Amended Response to Bauer Company regarding the haul roads within Teepee Park; Width of Roads and Turn-outs; Felling Aspen Trees; Winter Operating Period; Watercourse Protective Zones and Equipment Exclusion Zones; Fire Safety; Logging Slash; Administration/Inspection - Chris Meyers from the City of Rifle is the individual in charge of the inspections; Recreation and Visual Resources - Jim mentioned they crated a public hiking trail. After talking with Brad Ackerman, it is better for them to dedicate a public hiking trail, and this should satisfy Mr. Bauer's concern; Logging Trucks; Log Truck Operations; Operating Season/All Activities; Porcupine Fire of July, 2001 – not on Teepee Park lands; Amendment to Permit or Resolution; and Conclusion. In the Conclusion, Mr. Beckwith stated that in the amended response, Intermountain Resources and Mr. Norman Carpenter do not believe adequate grounds exist to suspend or revoke the Special Use Permit granted for the Teepee Park Harvest Project – nor do they require conduct of public hearings on the Permit.

Amendments: Roads and Reports were due in November however, they were to be submitted by Intermountain Resources. Jim reviewed the land use codes and referenced the Resolution of 97-70 where it states reports to the inspector – there is no inspector to report to. He owned up to the tanker off-site was a violation, this is the only one, and the others were not violations.

Kelley Rogers said had no first-hand knowledge of the application and was here to answer general questions on Forest Service management and hauling. He stated he was comfortable with the final revision of the Forest Service plan and with the Best Management Practices cited.

Commissioner McCown mentioned the position of the County where we support the harvesting of timber, yet he was concerned about the implementation of the Forest Service Plan and Best Management Practices. He stated that Bill Gherardi will know today who to report to and how often.

Kelley said the Forest Service Plan for this property, the initial draft, is that this is an out-of-area development company, he was concern with the salvia culture, and he concentrated on this. In reviewing the plan, he needed a consensus that they were not going to high grade. He knew what was involved regarding roads from looking at the plan. The second draft of that plan was feasible and the proposal indicated it was good.

Issues with reporting – Kelly hasn't been involved with a County Commissioner reporting factor. They are typically a middleman with the developer and the Forest Service. It is unusual to have reports to the County Commissioners. He recommended Bill Gherardi to be the inspector reporting to the County. Kelley's report is directly to a landowner. Any problems are usually dealt with on a daily basis. He would address the concerns of the Commissioners saying some clarification needed to be stated to Bill Gherardi regarding the level of detailed reporting necessary to satisfy the Board.

Timber sale contract – Kelley usually is the party that negotiates these contracts. The Board pointed out the unique and part of the land use permit is that this originally permit was issued to a different company. The permit stays with the land and the new owners were not here when the negotiations were stated. Any kind of change was to come back before the Board and the owners who were given the permit were aware.

Kelley commented that the key is to keep the lines of communications open as the applicant is willing to comply if they know what the Commissioners require. Commissioner McCown remarked that when the landowner and the timber buyer is one and the same, then the reports must come to the Commissioners. Kelly suggesting putting together a list of the Commissioners concerns they would want in a report. Jake and Marvin from Road and Bridge were present but did not have any concerns. Commissioner McCown outlined the level of detailed reporting the Board requires of Bill Gherardi.

George Bauer posed a question for Mr. Rogers, how do you manage this when you haven't been on the property? Modifications were done by the inspections. Mr. Bassone is the watershed inspector. Kelley clarified that he was not here as to speak on site specifics – he said he will not be working with anyone

specifically. Carolyn Dahlgren pointed out that the original application was made in March of 1995 and the plan today is very different from the original application made by Tucker-Frase. The original plan, the City of Rifle's plan from Paul Bassone, and the revised plan for Resolution 1-97 was reviewed. The Commissioners clarified the need for the changes from helicoptering and skid hauling was a significant issue that the Board must be aware of in a report. Jim Beckwith stated he was not here except for the complaint. They didn't start this until November 2001 and the annual report was not due until December.

George Bauer commented on page 4 of Mr. Beckwith amended response. He is a believer of private property rights but stated when there is a plan and then a change in that plan, then everyone needs to be informed. There are national forest land between Mr. Bauer's and Teepee Park. When fighting the Porcupine fire, they built a road to go through his property. He has 6-points of non-compliance with the Forest Service Plan and 4 on Special Use Permit with the current owners. There was a long discussion regarding the road, the fire, and Mr. Bauer's complaints.

George Bauer recommended the Board recall the special use permit until these folks comply with the conditions.

Jim Beckwith said Jim Carnahan is the one who constructed the fire road and that it was an emergency road, a fire access road, it hasn't been significantly improvement. He added he is not shoving things under the rug, and that's why they are here today calling to the attention of the Board regarding the corrections. Chairman Martin mentioned the big sell was the use of the helicopter for timbering on steep slopes. Jim Beckwith wasn't in the hearings. Carolyn mentioned getting a transcript of those hearings.

Chris Meyers, Intermountain Resources - They are not into that area; the road has been flagged and surveyed but nothing else. This land can be harvested with technology. Timbering on steeper ground means they use low ground equipment, and work with revisions with Mr. Gherardi and Mr. Bassone.

George Bauer referenced the original SUP saying they have four (4) different non-compliance issues – Item No. 5 – on the recorded Resolution, page two– *each tree will be marked prior to harvesting*. 2nd non-compliance item No. 7 – *turnouts on the County Road* – plans and acquisition for the turnouts with the county use of imminent domain. The SUP resolved to acquire the turnouts – more than two turnouts. The County had the power to construct this road. This didn't happen. Item No. 10 – *vehicles licensed* – Two Oregon vehicles not properly tagged for Garfield County; logging trucks also. They were required to be licensed in Garfield County – everyone has to be re-registered. They have Oregon plates on them. The applicant will not allow employees to drive on site however, there was a father looking for his son and he was driving on site. George is very concerned with the SUP requirements being ignored.

Jim Beckwith mentioned the road was approved and signed off by Road & Bridge and regarding the width, he was told it was not necessary to purchase additional right of road. As to vehicles registered elsewhere – he will check it out. As far as they know, all pay their proportioned fees for plates to Garfield County.

Commissioner McCown noted that Mr. Gherardi and the US Forest Service mark the trees. Chris Myers added that the forest service is more familiar with the trees; Kelley was up there last fall marking the trees. Brad Ackerman stated he was aware of Department of Wildlife's part in this and he had reviewed the plan; this is the first he's heard these concerns by George Bauer. It is more appropriate for the forest service to mark trees and if DOW is included in the SUP, they should be removed. This was discussed and they were involved in the process. Brad said that if this is where the Board wants him to be involved, he could appreciate being involved. He will get up there and become involved. The access issue – Mr. Beckwith mentioned, they had discussions – and from DOW, it is important to have access; they focused on getting people into the forest service to hunt and control the population.

Decision

Commissioner McCown stated he did not have a high level of confidence with this at all. He apologized to Mr. Gherardi regarding lack of direction for the reports and directed him to work directly with staff, the attorney and the Board. He requested they work with the County Attorney and the Commissioners; and that guidelines be given. From Mr. Gherardi, he is to check on the conditions of approval and forest service plan, and upon deviations, the Planning Dept must be notified and reports are to be supplied twice a year, any violations by the landowner are to be corrected and to have the list by the end of next week. He proposed to move forward, and to recognize that they are in a position where the Board could repeal the Special Use Permit however, it couldn't be taken today, and it would require notification. However, if the Board of County Commissioners is not notified of changes, there is a serious change this could happen. All three Commissioners agreed on the helicopter logging. Chairman Martin referred them to research this factor and understand that during the SUP hearing, the big selling point was with this.

Commissioner McCown noted to Mr. Gherardi on the amount of direction orally given today and stated that a list of conditions will be given to him for the reports.

A concurrence by the majority of the Board on this action today was favorable and they anticipate these reports coming directly to them.

UPDATE ON CARE – CINDY CRANDAL

Cindy Crandall gave the update for the animal rescue. Jim Callaway stated that there have been 1,000 animals housed at the animal rescue center in the last 26 months, things are working well and making great progress. Cindy said things are working very well and they couldn't be more pleased. They are here today to request the renewal of the County's commitment in the same amount of \$24,000 during budget time as it was granted in 2002. Cindy included that they would love to have additional grant money. They are always working on a waiting list, they are bursting at the seams, and any grant funds beyond the \$24,000 would be greatly appreciated.

August 17, 2002 – Fundraiser for Colorado Rescue and Cindy says they hope to net \$40,000. The tickets are \$200 per couple and \$100 for singles. The entire ticket price goes to CARE.

CONTINUED HEARING ON A TEXT AMENDMENT - AMEND SECTIONS 5.03.15 (1-4) OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED. APPLICANT: BILL PINKHAM

The draft Resolution was presented to the Board.

Bill Pinkham, Bob Noone, Dean Moffat, Mark Bean, and Carolyn Dahlgren were present.

Chairman Martin swore in the speakers.

Mark Bean submitted additional exhibits for the record: Exhibits H – Activated Audio Air's report.

Chairman Martin entered Exhibit H into the record.

Mark requested Ed Ware of Activated Air Audio to complete a presentation with respect to the Commissioner's direction in determining the 55-decibel range.

Ed Ware gave a presentation of sound levels; he took a few explanations of sound and explained them saying, a vibration like a barking dog fluctuates in air pressure, which hits the ear, and the frequency of 20 being on the low side with 20K very high with very short sound waves. 770 miles per hour is the speed of sound. 16K is the range is what we're looking at for the average. He demonstrated with a recording of a dog barking and expounded on the variation of decibels with respect to how weather, trees and other types of camouflage affects the sound. Demonstrations were performed at 45 db up to 55 db. Ed explained there was a formula involved in the distance. Sound drops in decibels every 100 to 200 yards and it would be one-half as loud at the 200-yard distance. He added that a variety of berm could make a difference as well. Attorney for Pinkham's, Bob Noone – urged the Commissioners to adopt some verifiable sound levels, particularly with respect to dogs in unincorporated Garfield County. Under the current zoning resolution, offensive noise is not identified. The citizens of Garfield County should be able to demonstrate that they are within reasonable noise levels. Bob introduced Tom Dunlap, with Environmental Health and Enforcement for 25 years has worked both in the public and legal sectors and has been called upon to testify in court to the expected noise levels. Tom Dunlap submitted documentation in the adoption of appropriate noise levels and prepared a chart - Exhibit I – showing noise level comparisons. Chairman Martin entered Exhibit I into the record. Tom referenced web sites that the public can look up. He added that sled dogs at Mr. Pinkham's property line at the 30 yard point beyond the north property line are below 40 db. Bill Pinkham mentioned the dogs were located quite a distance from the property line. Tom Dunlap indicated that barriers could change the effect however vegetation is not considered a very good sound barrier. His recommendation was that this Board should establish 55 decibels all the time as the standard noise level Countywide. While visiting Mr. Pinkham's, he observed within the Springs Ridge Subdivision that there were other properties with dogs and wondered if neighbors might be hearing these dogs versus Mr. Pinkham's. The other issue of concern was the solid waste management. The disposal of this material is obviously significant to all of us. Odor, ground water, and surface impacts are a great concern. And, there are various methods to deal with this that will have a minimal impact on the environment. In reading the draft Resolution dated July 30, 2002, Section 5.03.01.5 (3) – "a requirement appears that the kennel waste be liquefied and disposed of sub-surface in an individual sewage disposal system or pumped out of a non-discharging vessel." In referencing a document that the County Attorney's office gave from Weld County, there was an example of how they deal with this and it was a very good method and referred to it. They suggest that the waste products be handled and disposed of in a manner approved by the Colorado Department of Health and Environment – that's a good recommendation unless you want to get into a whole lot of detail about creating your own level of standard and performance for the County. Tom

followed up on this and contacted Glen Mallory who is a senior manager with the Hazard and Solid Waste Division of the Colorado Department of Public Health and Environment, and in reviewing with Glen of leaving the waste material solid and not liquefying and treating it with lime and hauling perhaps to the County Landfill or having it incorporated into a composting material and having it re-used again. Mr. Mallory said that the State would definitely approve of collecting the material in that form. When we speak of liquefying it, his concern level rose and to quote him “that we would be asking for trouble or problematic” if we try to liquefy the waste. Problematic in the sense of water quality control division using 30 gals. per dog per day as a volume necessary to clean up after dogs in a liquid form using water and putting it into a sewage septic system. And, giving the drought conditions and all the issues surrounding that to generate 30 gals per dog to liquefy it and subsequently treat it sub-surface, we’re dealing again with ground water and potential surface water problems. If it’s left in a solid form, it’s much easier to handle. In summary, Tom said it was easy for him to conclude, after taking the noise readings at various locations around Mr. Pinkham’s sled dog kennel, that they do not scientifically pose a significant threat to the immediate neighborhood. As seen by the noise level comparison chart presented to the Board, noise from Mr. Pinkham’s property do not constitute a violation of the noise standard being discussed – the State standard the Commissioners are considering. With the adoption of the standard, however it will cause all kennel operators in the County to know what they must comply with to maintain a minimum impact on their neighborhood but still allow them to pursue their hobby and their business interests. By allowing the handling of kennel waste as presented and supported by the Colorado Department of Public Health and Environment, this material can be disposed of in a proper way acceptable to public health standards. If Mr. Pinkham abides by the standards established by the State and the County and follows the advice of his advisors, kennel waste can be managed in an environmentally sensitive manner and do no harm to the neighborhood, ground water, surface water, or the land. It’s important that the BOCC base their decisions on scientific information and not necessarily on emotion and look broadly at the decisions that have to be made. In conclusion, he said, based on his experience, he’s found no justification to ban various noise sources day or night. The purpose of adopting a noise standard is to address these issues in a non-basis objective and scientific manner.

Bob Noone summarized that Mr. Pinkham’s sled dogs do not constitute a noise violation. With the adoption of the policy, all kennel operations will know what the decibels would be. He requested the Commissioners consider Tom’s expertise and comments and adopt a reasonable sound level where performance can be measured night or day. He urged the Board to not restrict dogs, especially sled dogs, outside at night.

Public testimony was given by the following and summarized as to their comments.

David Duset – Springridge Drive, if one dog registers sound at a 50 db, what would the addition of 40 times register. Tom commented that it would not be 40 times the amount of one dog; he would have to do a conversion. This would require a calculation; however, they did measure 40 dogs on Pinkham’s property during the tests. *Barbara Larimore* questioned the difference in how far the sound carries in high frequencies. Tom responded that low frequencies travel but it’s usually combined with regular noise and other sounds.

Michael Larimore – commented on the quiet Springridge Subdivision and at 2:00 a.m. he can hear the howling or barking of dogs and it is intrusive at that point and time and gets ones attention. He took exception to these other noises masking the dogs barking. *Al Bevin* – lives in Springridge Court and was surprised at the State standard of accepting 55 db at nighttime. One of the reasons they moved up here from Colorado Springs was to get away from the noise levels of 50 db at nighttime. He would like to know the calculations of sound of 40 dogs. Sound carries a long way and theory and practice can vary. He would like to see a lower standard than 50 db at night. *Patrick Fitzgerald* – CR 138 – the presentation has focused on an objective standards and he hasn’t heard much about distance. He realizes the need to allow this type of kennel use within the County. The Pinkham kennel is located at the edge of Springridge. Also would like to have a quicker response for violations. This particular instance of violation has taken more than one year. If the Board allows this in the County, he would like to see expediency for violations. *Bob Thoroson* – Veterinary – keeping dogs locked inside a building from 7 pm to 7 am is an unhealthy situation for the dogs due to bacteria and viruses. Musers let their dogs run at 8 pm when it cooler. *Lee Samson* – Cattle Creek Road – raising sled dogs for 15 years. Most Musers feed at 7 pm and sled dog takes 4 hours to process the food; not being able to be outside to eliminate waste could damage the dogs’ health. *Chi Chi Jacobson* – encouraged the Commissioners to adopt an ordinance to be used as a guideline and omit emotions in these decisions. She was in favor of using a scientific method versus the emotional method. *Tom Dunlap* – after

listening to the citizen's concern regarding the noise still recommended leaving the noise level at 50 or 55 db at all times. At nighttime, the wind, leaves, and other background noise blend in together and if one of those drops in sound levels, very little happens.

Commissioner Stowe clarified that during the test, all 40 dogs were barking. Tom commented that there was a witness between him and the dogs and at the test location, there were no building. The test was completed with the dogs barking relayed to him with cell phones. These tests and readings were also performed when the dogs were at their most excited state. *Dean Moffat* – The reading of the sled dogs was downhill. Two cell phones were used, one with dogs and one with the meter and there were no obstructions. Tom clarified a question of Commissioner McCown saying that the meter reading of 25' beyond the property line is more liberal than having it directly on the property. *Bill Pinkham* – asserted that the 40 dogs at his place or somewhere else can fit in a consistent patten of living; when the dogs are excited for food or getting ready for training or when deer or elk pass at nighttime through the property, they bark, otherwise they are really not noisy. He is very conscientious of his dogs as related to noise. He has personally done studies and is not here to dispute the neighbors, but referred to the tests performed and requested an ordinance that is fair and what we can all live with. If a decision is not based on scientific tests, we may never reach a solution to the kennel problem. *Dave Dusett* had occasion to sit a Kublinks – every 20 to 40 minutes the dogs go off – it is a full 1/8-mile from that parking lot. *Tom Dunlap* responded that he personally went to Kublinics and they have 217 dogs on the property. He visited with Tina White as an enforcing agent in that jurisdiction. Her office receives zero complaints as little as 1/3 of a mile away. Also, regarding the waste method, Tina indicated they use a dry or solid form of Kublinks is inspected twice a year. *Al Bevin* – president of the Homeowners Association reiterated that people sleep with their windows open and was concerned with the 55 db; if the BOCC does pass this, he would like to see the Commissioners have the flexibility of adapting to situations. *Bob Noone* – suggested the Commissioners could take a field trip and let them hear the decibels on the property and invite the Springridge residents as well.

Commissioner McCown moved to close the public hearing; Commissioner Stowe seconded; motion carried.

Mark mentioned the language they came up after the last meeting was included in the draft resolution in front of the Board and included the language in the Weld County Resolution as well as some other comments he heard from the Board. The question before the Board was, do they want the standards that are incorporated here, to go into a Resolution and/or would these be criteria and standards by which the Board would judge an application and ultimately conditions of approval for a particular special use permit. *Mark* added that the Board needs to make sure that they make provisions either need to be incorporated in the standards, or use some generic criteria included in a special use permit for a kennel under Section 5.03. *Commissioner Stowe* commented he was having a problem with the first comment as he thought we had restricted it a little more; originally, he thought we had talked about no noise emanating at nighttime but this has been relaxed to the 50-db levels, which is fine. *Mark* referenced the Statute C.R.S 25-12-103 is the State standards. *Commissioner Stowe* – as a Resolution it would then apply to all special land use as opposed to the fact that we just make it as recommendations on a per case basis. He asked *Mark* to give the advantage of not making it a Resolution. *Mark* said there was no advantage in not making this into a Resolution.

Included in the motion:

Commissioner Stowe stated he would change item No. 1, 5.03.15 Kennel – where it currently reads “all kennels shall be completely enclosed within a building that prevents any sounds from emanating from the property boundaries in excess of the Residential Zone District standards contained in C.R.S. 25-12-103” without the words “dog runs allowed” then strike “if the noise from the kennel does not exceed the noise standards during that period of time” and strike the portion where it says, “dogs are not allowed outside from sunset to sunrise”. That would allow you to keep your dogs healthy; at the same time if you exceed that 50-db noise levels at night, it does also require you to build a kennel so you have a place to put them. If you have a particularly noise dog or something, in deference to what Bob Noone testified, you don't have to keep them for hours on end and create that problem. But, if you have nuisance dog or some control problems, you need a place to put them, keep them quiet. *Commissioner McCown* – does Section 25-12-103 address the distance from the property line? *Mark* – it's twenty-five feet. *Commissioner McCown* – and fifty-five (55) decibels. *Mark* clarified it was fifty-five decibels (55db) in the day and fifty decibels (50db) at night. *Commissioner Stowe* – and I'd like to see them stay that way. The other change I'd like to make is in Number Three (3) – and would like to eliminate the idea, saying “a system capable of handling all waste

for the kennel shall be installed or a sealed container capable of being pumped to allow a commercial hauler to dispose of the waste.” This will allow you to do your lime, or you could have your dry line disposal method, or you can put it into a container and have that container pumped. *Commissioner McCown* – it has to be in a sealed container to do the lime method. We won’t allow a pit in the ground. *Tom Dunlap* – if you wanted to make an arrangement, for example, with the landfill and have a dumpster with a closing lid on it, and do lime, or you may not have to do lime, it depends on the time of year. In the winter, you probably wouldn’t have to do any liming at all. Kublinics does use a pit in the ground, have it excavated out, and haul it away. *Commissioner Stowe* – how do they account for the odors? *Tom Dunlap* – there isn’t any, they do the liming and there’s no odors. *Commissioner McCown* – do they seal it every night; how do they keep ground water or rain from going in it and liquefying it? He remembered the public hearing was closed and apologized. *Commissioner Stowe* – I could just change this, would you be more comfortable with this being in a sealed container, Larry. *Commissioner McCown* – I’m comfortable with the way it is because it allows for an ISDS or it shall be in a sealed container capable of being pumped to allow a commercial hauler to dispose of it. What they’re saying is, if they don’t pump it, they dip it would with a backhoe, but the sealed container needs to stay. *Commissioner Stowe* – decided to keep it “in a sealed container”. *Commissioner McCown* – I think it’s an either/or, if they want to do an ISDS, say someone may just have five (5) poodles and may want to run into an existing ISDS if it’s large enough. *Commissioner Stowe* – with those changes as enumerated, I’d make a motion that we approve the Resolution concerned with the Amendment to Section 5.03.1. (5) Kennel of the Garfield County Zoning Resolution of 1978 as amended and with the changes, I noted in Number One (1). Number Three (3) will remain as printed.

Commissioner McCown seconded. Motion carried.

CONTINUED HEARING ON A SPECIAL USE PERMIT – KENNEL OPERATION. LOCATION: 1565 COUNTY ROAD 124 (40-ACRE SITE). APPLICANT: BILL PINKHAM

Mark stated that given the decision that was made, he suggested the Special Use Permit Application continue to a date certain in order to amend it and those wishing to review the application would have that opportunity. He suggested continuing it for 60-days.

Bob Noone mentioned that the only time constraint would be that Mr. Pinkham was hoping he could offer sled dog tours in the Four Mile Basin and he has permit applications pending with the Forest Service to achieve that goal. Unless that process continues, he may lose the season. Mark stated his concern was to allow enough time for the applicant to demonstrate compliance with this new Resolution and then give the public enough time to review that information so they have opportunity to provide input to the Board. Bob Noone agreed with the delay.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue this Special Use Permit, with the agreement of the applicant, until October 7 at 1:15 pm. Motion carried.

CONSIDER THE APPROVAL OF A PUD PLAN AND ZONE DISTRICT TEXT, PRELIMINARY PLAN AND FLOODPLAIN SPECIAL USE PERMIT FOR THE BLUE CREEK RANCH PUD. LOCATION: EAST OF CARBONDALE AT THE INTERSECTION OF COUNTY ROAD 100 AND STATE HIGHWAY 81. APPLICANT: WIND RIVER DEVELOPMENT, LLC.

Carolyn Dahlgren, Fred Jarman, Michael Erion, Attorney Larry Green, Rob Cummins, Principal of the Blue River Development and representing the owner of the property; Glen Horn, Planner with Davis-Horn Planning Consultants. Glen is primarily responsible for organizing the application; Tom Zancanella, designer and responsible for permitting associated with the waste water treatment facility; Mark Butler from Sopris Engineering, who did the civil engineering; and Galvin Brook who is the resident project manager were present.

Carolyn Dahlgren reviewed the notices, publication, posting, and other compliances with Glen Horn with respect to the regulations on all of the issues – the PUD Plan, Zone District Text, Preliminary Plan and Floodplain Special Use Permit. She determined these were timely and in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Fred Jarman presented the Exhibits: Exhibit A – Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Garfield County Subdivision Regulations; Exhibit F – Staff Memorandum; Exhibit G – Blue Creek Ranch Planned Unit Development Preliminary Plan “Application”; Exhibit H – Blue Creek Ranch PUD Preliminary Plan “Appendices; Exhibit I – Blue Creek Ranch PUD Preliminary Plan Site Plan Development “Sheets” booklet produced by Sopris Engineering; Exhibit J – Letter to Garfield County Planning

Department from David Horn, Inc. dated June 25, 2002; Exhibit K – Letter to Garfield County Planning Department from Kenneth Knox of the Colorado Division of Water Resources dated June 24, 2002; Exhibit L – Letter from Mark Butler of Sopris Engineering, LLC to Glen Horn dated June 17, 2002; Exhibit M – Email to Kim Schlagel from Steve Anthony of the Garfield County Vegetation Department dated May 17, 2002; Exhibit N – Referral Comments from Jim Sears of the Garfield County Sheriff Department dated June 6, 2002; Exhibit O – Letter to Garfield Planning Department from Michael Erion of Resource Engineering dated June 13, 2002; Exhibit P – Referral Comments from the Garfield County Road and Bridge Department dated June 5, 2002; Exhibit Q – Letter to the Garfield County Planning Commissioner from James M. Mindling representing the St. Finnbar Homeowner’s Association dated June 5, 2002; Exhibit R – Letter from Janet Buck of the Town of Carbondale to the Garfield Planning Commission dated May 31, 2002; Exhibit S – Letter from Carbondale and Rural Fire Protection District to Kim Schlagel dated May 15, 2002; Exhibit T – Letter to the Garfield County Planning Department from Kenneth Know of the Colorado Division of Water Resources dated May 6, 2002; Exhibit U – Letter to Kim Schlagel from Celia Greenman of the Colorado Division of Minerals and Geology dated May 16, 2002; Exhibit V – Letter to Kim Schlagel from Justin Martens of the Colorado Division of Wildlife dated May 13, 2002; Exhibit W - ?; Exhibit X – Memorandum to Kim Schlagel from Steve Anthony of the Garfield County Vegetation Department; Exhibit Y – Letter to Kim Schlagel from Michael Erion of Resource Engineering dated May 22, 2002; Exhibit Z – Letter to Mr. Beck from Ken Jacobson of the Army Corps of Engineers dated April 10, 2002; Exhibit AA – Letter to Glen Horn from Sopris Engineering dated June 3, 2002; Exhibit BB – Letter to Kim Schlagel from Tom Zancanella of Zancanella & Associates dated June 4, 2002; Exhibit CC – Letter to Mark Bean from Tim Beck of Zancanella & Associates dated January 8, 2002; Exhibit EE – Letter to Rob Cumming from Mark Bulter of Sopris Engineering dated September 7, 2000; Exhibit FF – Letter to Fred from Tim Beck of Zancanella & Associates dated June 28, 2002; Exhibit GG – Letter from Fred Jarman to Tim Beck of Zancanella & Associates dated June 28, 2002; Exhibit HH – Matrix of Proposed PUD Uses and Dimensional Requirements; Exhibit II – Letter from Mark Butler of Sopris Engineering to Glenn Horn dated June 17, 2002; Exhibit JJ – Letter from Glen Horn to Kim Schlagel of the Garfield County Planning Department dated April 12, 2002; Exhibit KK – Letter from Mark Butler of Sopris Engineering to Glen Horn dated July 8, 2002; Exhibit MM – Fax from Jim Mindling to Fred Jarman dated July 9, 2002; Exhibit NN – Fax Letter from Dan Missey to Planning Commission and Planning Department dated July 9, 2002; Exhibit OO – Email Letter to Fred Jarman and the Planning Commissioner from Marilyn Mann dated July 9, 2002; Exhibit PP - Letter to Fred Jarman and the Planning Commission from Susan Hunke, executive director of the Mountain Regional Housing Corporation dated June 10, 2002; Exhibit QQ – Position paper submitted by Lion’s Ridge Estates HOA dated July 10, 2002; Exhibit RR – Rendering of second Entrance as viewed from St. Finnbar produced by WindRiver dated July 10, 2002; Exhibit TT – Planning Commission Resolution approving the Amendment to the Comprehensive Plan; Exhibit UU – Letter from Sopris Engineering to Garfield Planning Department dated July 12, 2002; Exhibit VV – Flood Plain Special Use Application submitted by Zancanella & Associates dated July 17, 2002; Exhibit WW – Letter regarding Roaring Fork River Analysis provided by Zancanella & Associates dated July 24, 2002; Exhibit XX – Onsite Wastewater System Design Report with Technical Specifications for Blue Creek Ranch prepared by Church & Associates, Inc. on February 8, 2002; Exhibit YY – Letter from Carbondale & Rural Fire Protection District to the Garfield County Planning Department dated June 29, 2002; and Exhibit ZZ – Letter regarding Roaring Fork River Analysis provided by Zancanella & Associates dated July 30, 2002. Exhibit W – does not exist.

Chairman Martin entered Exhibit A – ZZ with the exception of Exhibit W, which doesn’t exist. into the record.

Fred Jarman presented a video presentation and handed out a paper copy as well. Fred stated this is a preliminary plan review for the Blue Creek Ranch to include 1) Planned Unit Development, 2) Subdivision (Preliminary Plan), and 3) Floodplain Special Use Permit submitted by WindRiver Development, LLC. represented by Davis Horn, Inc. Fred stated the adjacent land uses of Catherine Store, Aspen Equestrian Estates, St. Finnbar Subdivision, TeKeKi Subdivision, Cerise Ranch, Lion’s Ridge and Ranch at Roaring For,. The location of the site is 3220 County Road 100 “Catherine Store Road” on an 81.33 acre tract of land in the A/R/RD zone.

The applicant requests land use approvals to develop the Blue Creek Ranch located at the intersection of CR 100 (Catherine Store Road) and Highway 82. The proposal includes subdividing the 81 acre site into 49 residential lots ranging from 5,000 sq. ft. to 5 acres of which nine (9) units shall be deed-restricted affordable housing units. In addition to the residential uses, the development proposes approximately 49

acres of common open space, a bike trail, and a park and ride facility to be adjacent to CR 100 and Hwy 82, and public river access. A point to be flushed out will be how they intend to treat the five (5) un-built Affordable Housing. The issues of the project include: a) slightly higher density than the A/R/RD at 1.6 acres per unit via PUD; b) Internal Road System (60' vs. 50'); c) Development in the floodplain regarding road sections/outfall structure and building envelopes.

Recommendation:

The Planning Commission recommendation from the public hearing on the Blue Creek Ranch PUD/Preliminary Plan request held on July 10, 2002 was as follows:

1. The Commission approved an amendment (by a 7 to 0 vote) to the Garfield County Comprehensive Plan Proposed Land Use District for the subject property from Low Density Residential (10+ ac/DU) to High Density Residential (<2 ac/DU). Exhibit TT.
2. The Commission recommended approval with conditions to the Board of County Commissioners for the PUD and Subdivision Preliminary Plan requests by a 7 – 0 vote. The conditions of approval as recommended by the Commission are included in the project information and staff comments.

Fred continued to review the relationship to the Comprehensive Plan, Referral Agencies comments; Staff Comments; Review Standards and Criteria including staff findings; Recommended Finding; Planning and Zoning Commission Recommendation.

By unanimous vote, the Garfield County Planning and Zoning Commission, recommend the Board of County Commissioners approve the Blue Creek PUD, Subdivision Preliminary Plan with the following conditions:

Water Conditions

1. The applicant shall provide the same information to the County as was submitted to the State regarding their analysis of the water supply. This material shall be submitted to the Planning and Building Department prior to final plat.
2. Due to the fact that the water system for Blue Creek Ranch PUD shall be merged system with the Aspen Equestrian Estates Subdivision, the applicant shall incorporate language addressing the intersection between the two Homeowners Associations in the By-Laws, which indicated the responsibilities of both Associations for the shared water system.

Wildlife Conditions

3. The applicant shall adhere to the following recommendations of the Division of Wildlife included within their letter dated May 13, 2002:
 - a. Dogs and cats shall be prevented from running at large
 - b. Wire fencing should be held to a minimum with a maximum height of 42" with no more than 4 strands and a 12" kick space between the top two strands. Rail fencing should be held to a maximum height of 42" with at least 18" between two of the rails. Mesh fencing is strongly discouraged. Privacy fencing may be allowed in the residential clustered areas within building envelopes only.
 - c. The applicant shall use bear-proof trashcans.
4. The applicant shall include the following recommendations of the Division of Wildlife within the Homeowner's Association covenants as recommendations for homeowners to consider regarding the presence of wildlife on the property;
 - a. Bird feeders should be strung up from the ground with seed catchments and humming bird feeders are not mounted on windows or the siding of the houses.
 - b. Pets should be fed indoors and pet food or food containers should not be left outside.
 - c. BBQ's should be securely housed in the garage or other indoor structures when not in use.
 - d. Eliminate the planting of any berry, fruit, or nut producing plants or shrubs to discourage bears and other wildlife from feeding.
 - e. Maintain as much of the existing vegetation as possible.

Weed Management Conditions

5. The applicant should conduct a weed inventory and provide the locations on a map. Weeds that may be in the area include: plume less thistle, Scotch thistle, Canada thistle, and possibly oxeye daisy close to the Roaring Fork. In addition, the applicant should provide a weed management plan for the inventoried noxious weeds. This information shall be sent to and reviewed by the Garfield County vegetation Department prior to Final Plat.

6. Common area weed management- The Open Space Plan lists various areas of the site as conservation easements, private open space, and general open space. Public parks, public trail, or CDOT dedication. Please detail the entity that will be responsible for weed management in each of these areas and also any roadways in the project.
7. Weed management for the Homeowners Association and each individual lot owner shall be addressed in the covenants.
8. The revised Revegetation Guidelines from the Garfield County Weed Management Plan, adopted May 7, 2001, calls for the following:
 - a. Plant material list.
 - b. Planting schedule
 - c. A map of the areas impacted by soil disturbances, out of the building envelope.
 - d. A Revegetation bond or security at Preliminary Plan and prior to Final Plat.
 - e. Provisions for salvaging on-site topsoil
 - f. A timetable for eliminating topsoil and/or aggregate piles.
 - g. A plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
9. The applicant shall provide a map or information, prior to final plat that qualifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances.
10. The applicant shall include estimates for the reclamation efforts. The estimates should include costs for seeding, mulching, and other factors that may aid in plat establishment.

Right of Way and Drainage Conditions

11. The applicant shall provide a detailed analysis regarding the outlet flow from the existing pond regarding detention storage releases by the time of Final Plat.
12. The applicant shall comply with all six special conditions stipulated by the US Army Corps of Engineers in their letter dated April 10, 2002 relating to the nationwide permit to discharge dredged or fill material in waters of the United States for outfall structures and maintenance, minor discharges, and linear transportation crossings. These include:
 - a. The applicant must submit pre-construction photographs of the outfall conditions to the Roaring Fork River along with post construction photographs to establish re-contour and grade matching activities effecting above and below the ordinary high water mark.
 - b. Plant species identified and delineated by the Any Antipastos report dated August 8, 2000, must be restored in the compensatory mitigation area using a combination of the following trees and shrubs; *Pupulus angustifolia*, *Alnus incana*, *Cornus stonifera*, *Picea pungens*, and *Salix enigua*.
 - c. Topsoil from the delineated 1,505 square feet of impacted wetlands adjacent to building lot 21 must be moved to the area of in the compensatory mitigation and placed below the existing grade. The area of compensatory mitigation is directly east of building lots 18 and 19. within tract, 5 of the final plat map submitted to this office and dated January 2, 2002. compensatory mitigation and placed below the existing grade. The area of compensatory mitigation is directly east of building lots 17
 - d. The applicant must submit prints of photographs depicting the degree to which performance criteria has been met for the 2300 square feet of compensatory mitigation wetland in a wetland mitigation report.
 - e. The applicant must send a signed letter of certification to the Corps of Engineers within 30 days after completion of the work (see general condition number 14). A copy of the certification statement is included for your use.
 - f. The applicant must comply with any Federal Emergency Management Agency (FEMA) approved state or local management requirements for building activities within the 100-year floodplain identified by your Existing Conditions/Topography Map dated September 21, 2000.
13. The applicant shall provide a signed copy of an agreement with St. Finnbar Ranch regarding the relocation of the 'lower ditch' within the property by the time of Final Plat.
14. The applicant shall be allowed to reduce the Garfield County Street and Roadway design standards in designing the internal private road network as well as the access points into the PUD from CR 100 as part of the Planned Unit development. As such, all roads and rights of way within the subdivision

shall be designed to no less than a width of 50 feet in accordance with the Secondary Access classification as defined in Section 9:35 of the Garfield County Subdivision Regulations.

15. Additional straw bales shall be located in the drainage ditch along County Road 100 between Ponderosa Pass Road and the Blue Creek Ranch drainage, and along County Road 100 between Bristlecone Drive and the Blue Creek drainage as recommended by Michael Erion in his review letter dated May 22, 2002. Construction documents shall reflect these changes by the time of Final Plat.

16. The applicant shall indicate within the covenants which lots within the development have existing wetlands and areas within flood fringes and/or flood ways of the Roaring Fork River. The covenants shall state that disturbance of these wetlands and floodplain areas are prohibited.

17. The applicant should use a 1999 study prepared by BRW for the Colorado Water Conservation Board illustrating channel instability in the Roaring Fork River as a starting point to prepare a review of more detailed geomorphology of the river in that particular area over the last 30 years as recommended by the Colorado Geologic Survey. This analysis should be prepared by a person qualified to conduct such studies. This report shall be submitted to the Planning and Building Department at the time of Final Plat.

Wastewater Treatment Plant Conditions

18. The applicant shall provide an inspection, maintenance, and pumping plan for the proposed septic tanks of the sewer system to be reviewed and approved by the Planning Department. This plan shall be included within the subdivision covenants and provided the staff prior to the issuance of a Certificate of Occupancy by the Garfield County Building Department for any residential lot on the property.

19. Prior to the operation of the facility, and consistent with the requirement imposed by the State of Colorado Department of Public Health and Environment, the applicant shall obtain a discharge permit which shall specify the "final conditions and limitations of the operations of the facility." This permit shall be submitted to the Garfield County Building & Planning Department prior to Final Plat

20. The applicant shall comply with the conditions of approval as stated in the letter from the Colorado Department of Public Health and Environment to Blue Creek Land Holdings, LLC dated November 21, 2001 and included as Appendix 8 in the application materials, as the same may be modified or superceded by any final discharge permit issued by the Department for the subject facility. Further;

a. This site approval will expire one year from November 21, 2001 if the construction of the project has not commenced by that date. If expiration occurs, you must apply for a new site approval. Construction is defined as entering into a contract for the erection or physical placement of materials, equipment, piping, earthwork, or buildings that are to be part of a domestic wastewater treatment works.

b. The design (construction plans and specifications) of the treatment works must be approved by the Division prior to the commencement of construction and all construction change orders initiating variances from the approved plans and specifications must be approved by the Division.

c. The applicant's registered engineer must furnish a statement prior to the commencement of operation stating that the facilities were constructed in conformance with the approved plans, specifications, and change orders.

21. Since the nine (9) affordable housing units are "for sale" units, the applicant shall provide appropriate language to the Planning Department that demonstrates that the affordable housing units are not unduly burdened by a disproportionate share of fiscal responsibility required for the overall maintenance of the common facilities and roads throughout the PUD.

22. In addition to other required conditions of approval, the applicant shall include the following plat notes on the Final Plat:

a) "Colorado is a "Right to Farm" State pursuant to CRS 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."

b) "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."

c) "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."

d) "One dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries."

e) "Each lot shall have 2,500 square feet of irrigation water."

23. That all representation made by the Applicant in the application, and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning commission.

24. The applicant has agreed to delete "greenhouse" from the "Uses by Right" in Private Open Space areas as defined in the application such as Tract 3 (pasture lands on the north end of the property.)

25. The applicant shall present staff with further details as to the proposed nature of how the remaining five affordable housing lots undeveloped by the developer are to be sold within the regulatory parameters of the Garfield County Affordable Housing Guidelines.

26. That all representations made by the Applicant in the application, and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning commission.

Staff recommends the Garfield County Board of Commissioners approve the Blue Creek Ranch PUD, Subdivision Preliminary Plan, and Floodplain Special Use Permit with the aforementioned conditions as voted upon by the Planning Commission as well as the additional conditions presented here below:

Water Conditions

27. The applicant shall obtain and provide the County with the necessary well permits for the Appaloosa and Arabian Wells located on the Aspen Equestrian Estates Subdivision as issued by the State of Colorado Division of Water Resources at the time of Final Plat.

Affordable Housing Conditions

28. The applicant shall provide nine (9) affordable housing units with the PUD. Four of such units shall be deed restricted, constructed by the Applicant, and sold in accordance with all applicable provisions of the Garfield County Affordable Housing Guidelines as codified in Section 4:14 of the Garfield County Zoning Resolution (the "AH Regulations"). While the applicant has committed to the construction of four affordable housing units, the applicant shall demonstrate to staff and the Board of County Commissioners how the remaining deed restricted lots are to be sold and developed. Further, the applicant shall provide assurance to Garfield County that the five (5) units will be constructed as required by the AH Regulations.

a. Specifically, the applicant shall provide a detailed proposal for how the five (5) affordable housing lots which will not be constructed upon by the applicant will be sold in a manner which will address the regulatory intent of the AH Regulations.

b. All nine (9) affordable housing units shall be included within the homeowners association for the PUD. However, the Declaration of Covenants shall include adequate provisions to assure that the affordable housing units will never be unduly burdened by a disproportionate share of fiscal responsibility required for the overall maintenance of the common facilities and roads throughout the PUD>

Floodplain & Roaring Fork River Conditions

29. The applicant shall provide language within the protective covenants for the development as well as incorporate into a plat note on the Final Plat which lots within the development have existing wetlands and areas within the flood fringe and/or floodway of the Roaring Fork River. In addition, the covenants shall state that disturbance of any such designated wetland or floodway areas are prohibited without receiving the proper approvals from the necessary jurisdictions. The applicant shall include a plat note as well as language in the protective covenants stating that no development shall be allowed on any portion of any lot, which is designated as a wetland or located within a delineated floodway.

30. While this approval grants a Floodplain Special Use Permit for constructing dwellings within the designated building envelopes in the flood fringe, the two road sections and the wastewater outfall structure in the flood way, the applicant shall incorporate language in the protective covenants for the development that indicates to the future purchasers of those lots that contain building envelopes located within the flood fringe that they are subject to the Garfield County Floodplain regulations for other activities.

31. This Floodplain Special Use Permit, as approved by the Board of County Commissioners for the entire Blue Creek Ranch property as described herein, shall constitute the necessary Special Use Permit approval for development on each of the lots subject to the Floodplain Regulations in the Garfield County Zoning Resolutions. Further, as each such lot is developed, the owner/developer shall be required to demonstrate to Garfield County Building and Planning Department as part of the building permit process that the finished floor elevation shall be constructed at one foot above the floodplain elevation. This condition shall be included as a plat note on the Final Plat.

32. Prior to the issuance of a certificate of occupancy for each lot subject to Garfield County Floodplain Regulations, the applicant for the CO shall provide the Garfield County Building and Planning Department with an official survey indicating the proposed dwelling location was surveyed and the finished floor elevation must be constructed at one foot above the floodplain elevation. This survey is to be completed by a licensed surveyor who shall sign and stamp the survey submitted to this Department. This condition shall be included as a plat note on the Final Plat.

33. The applicant shall place a plat note on the Final Plat that would make the potential purchasers aware of the possibility that the Roaring Fork River is a dynamic stream and the current channel could move from its present position.

34. The applicant shall depict the following on the Final Plat:

- a. The 100-year flood way;
- b. The 100-year flood fringe;
- c. The building envelopes for all lots in the development; and
- d. The elevation for each building envelope at one (1) foot above the base flood elevation.

Larry Green mentioned the article in the newspaper for the upcoming work session regarding the amending of the Garfield County Subdivision Regulations to address clustering. Glen Horn put the application together and as he goes through the project, the plan is 100 % in compliance with the Comprehensive Plan. Immediately to the east of this property, there is a 10-unit mobile home park and is an adjacent property to this proposed development. He complimented the planning staff on their presentation.

Glen reviewed the project and reviewed the project overview. He addressed compliance with the Comprehensive plan, the location of the site and the adjacent uses, proposed open space and conservation dedication of land. 39 free market and nine (9) affordable housing units and five units offered as un-built dedicated to the Garfield County Housing Authority to offer however they may choose. Glen said that 60% of the land is open space.

Larry Green said he would address issues of concern with the development team members. This project will be serviced by Central Sewer System. They were before the Board last fall on the site permit and the state has approved it. One of the specific requests was to reduce the road right-of-way standards through the PUD process. They are proposing 50' width and recommended the Board also approve the request. The vehicle trips to be used within the development and the restriction on no parking on the road will compensate for the reduction of the 10' they are suggesting. Development within in flood fringe and a very minor road sections in the floodway. The Carbondale fire district has submitted these would not be a problem for them.

Braiding of the river channel - The Roaring Fork channel has been unstable for a while and a suggestion was made by the geological survey to investigate. BRW Tape 5 begins. Not submitted as an exhibit however. They will put a plat note on the final plat showing this does exist.

Nine (9) Affordable Housing units are proposed and five (5) will be affordable units but not in strict compliance and they propose to sell those 5 units to qualified buyers with different guidelines on income than the AH guidelines. Larry stated he was present on the Midland Point Subdivision drawing and many of the applicants submitting the guidelines were too restrictive on income. The existing affordable housing is one of the tools to solve the housing problems in Garfield County. However, they are proposing these five units (5) as another tool, which would be to sell them to qualified applicants within the 125% of the annual income. Larry submitted Exhibit 1 – A Visual Presentation of the Blue Creek Ranch Project; Larry requested a favorable vote on this plan.

In response to the Commissioners questions, *Tom Zancanella* – addressed the ditches saying that one was to be relocated and remain an open ditch and they have proposed new head gate structures. *Larry Green* - On CR 100, the Homeowners will manage the park and they not proposing to allow commercial rafting to be launched but it will remain open for public fishing. *Rob Cummins* –Discussions have been on going to dedicate and control the access to and from the river to the Roaring Fork Conversation. To date they would like it in writing, wanted to get through this process first. *Larry Green* - Intersection of Hwy. 82 and CR 100, Rob has met with C-DOT and they do not have it solved in their minds as to who would control the access. At the present time, they are dedicating the land and we have agreed to work with them to develop the process. *Lee Leavenworth* representing the St. Finnbar Subdivision stated he was very concerned about the project and one of his main concerns is the traffic. The Intersection of Hwy. 82 & CR 100 is presently a problem and this will further aggravate it. The morning traffic will dictate the problem and he thinks it should have a separated grade intersection. Evening traffic turning south onto CR 100 is inadequate today and will create a situation same as Hwy. 133 where traffic backs up 1 to 1½ miles. Believes the same thing will occur here. C-DOT should be asked to evaluate the situation and require a traffic analysis that the County with respect to a waiver of impact was requested of Silt with respect to intersections. The Park proposal in general has concerns, it is directly across the street from the St. Finnbar subdivision and it will have harmful impacts to these residents. Density – immediately across the street there is 6.7 acres density and 1.6 density for this proposal. Some lots are under ¼ acre in size. Aspen Equestrian is directly across from pastureland. The density is clustered immediately across from St. Finnbar and is not compatible. 30% of the land in this proposal is not developable. Other densities are similarly inconsistent with this proposal. St. Finnbar has as well as others, have the same questions, what will happen to the vacant land between Blue Ranch and the Waldorf School. The Catherine Store junction will turn into another El Jebel. The County should not approve the variance for the roads on the east end of the property. If there is a 100 flood, these lots are land locked. Rifle just experienced a 500-year flood. Affordable Housing (AH) – the higher on the medium scale, 120 to 165% of AMI, they might as well be marketed as free market lots. They put all AH all in one location, and reminds people they are in a different class than other people. Ditches, have not received approval and if approved, it will violate St. Finnbar's agreement. He requested the Board deny this proposal and requested denial as presented drafted. *John Lynch* – Lions Ridge Road – Lions Ridge Association submitted nine (9) letters from residents in the subdivision. Chairman Martin entered the nine letters as Citizens Exhibits II and the Map Citizens Exhibit III. John Lynch explained that the map shows a picture of the historical land. They met with the developer and discussed the potential of this site. If density was inside the two (2) acres, the HA could enthusiastically support the proposal. However, today he opposed the development. Expectations when lots were purchased were that the underlying zoning was two (2) acres per unit. The Lions Ridge Subdivision agrees with statements made earlier that the density is not compatible with the neighborhood. The clusters across from St. Finnbar will reflect consistent rooftops in their view. From Lions Ridge, they would see sixteen (16) homes. In Lions Ridge, they have defensible space around each home. Residents were surprised by the Carbondale Fire District gave their okay on the lack of defensible space saying it ranked low for fire danger. Density of 16 units would be 5 acres per unit, if we double that at 32, it would be 3.2 acres and they could support that density. They would not be opposed to anything less than 2 acres. John Lynch continued to address traffic impacts at the Intersection of CR 100 and Hwy. 82. Since CR 100 is not in the traffic impact fees and road improvements that the County has designed, taxpayers would pay to improve it; this new development should foot the bill. Unsafe condition for a right hand turn, no asphalt at the frontage road to the intersection and it creates a gap. Turning movements and accidents can be viewed from the Lions Ridge Subdivision Historical pasture – nothing in the plan says that will be taken away. Historical value in the agricultural zone needs to be protected. This will also have impacts to the wildlife, there is a head of deer that winter in Lions Ridge and there is no protection of the wildlife habitat. The developer has an excellent plan and with the reduction of the density to 2.0 acres, Lions Ridge could support. *Susan Hassle* - takes exception that this PUD would support the goals of the Comprehensive Plan, the Master Plan and to change the proposed density is illegitimate. One of the main goals in doing the plan was to provide buffer zones. This is in the middle of two towns, Carbondale and El Jebel and very similar to what was originally proposed for Sanders Ranch. Concern, if the BOCC goes this way, they are on a slippery point as it will result in high density and sprawl. This is not urban, this is rural. She is in climate research and building in the flood fringes is very dangerous. Eliminate the 11 units in the flood fringe would eliminate the problems. Calvin Lee had to leave due to the delays but she said he supported the original comp plan and this is too much clustering of units. Jackie Witsitt encouraged the Board to sit down with the residents

in the entire valley and plan in order not to have a stoplight at every major intersection; please look at the bigger picture. *Shana Hassle* – 12 years old, when her mom told her of 49 units proposed she was very concern about the impact on wildlife; this area is special to the wildlife. *Robert Tucker* – homeowner at the Ranch at Roaring Fork where they have 157 on 450 acres, clustered units and all residents live on less than 60 acres. They put into productions more pastures, ranching within their subdivision and they think this exacerbates the Catherine Store corner. It increases the density and want is in agreement with the Lions Ridge and St Finnbar. *Jim Graw* – Carbondale – Comments on the Comp Plan support the plan that was adopted and not approve every new subdivision because it makes it more like Denver. The Valley doesn't need more people. Please protect the open space. This is a proposal to urbanize rural land. *Susan Hunke* – Mountain Regional Housing, a non-profit organization of the Colorado Housing Division and certain funds pass through Fanny Mae; encouraged the approach to low income-housing needs to address the workforce of the area. She supports the concept of the development that takes into account the affordable units but would like to them double the affordable housing units. There are 60 duplex units at River Valley Ranch and are situated on the edge of River Valley Ranch – many have built equity to buy homes in the free market. They are interested and would be willing to work with the developer if there is a role for her type of agency. The amendment of the five (5) AH units would not meet the performance of their non-*Suzanne Parcharo* – Basalt Conservancy – this 20 acre piece of land has been offered to the Conservancy; there is scientific value for fishing. Dedication of the additional 2-acre site would be used for public education. This is not in their position to lobby for or against. She reemphasized the importance of this land for habitat. They would be happy to hold this conservation district. *David Hicks* – a developer in the area and spoke on some issues as well as - Europe saying if you're not the king, you don't decide. Ag land in Europe cannot be offered for sale without permission of the State. The rights don't exist to move the density. We have a different set of rights. He has no answers but the current issues of traffic and density are not due to this developer. He likes the clustering concept. The fact that the Comp Plan does not allow higher density is a mistake. The proposal looks decent to him. *Chris Beede* – Carbondale. He just found out about the community issues in the newspaper on Friday. When he purchased his home, he asked what could he do and what can the neighbors do. Told that anything under 10 acres were not in; he lives on 2 acres and asked if he can put an accessory dwelling over his garage. Government is in place to administer the will of the people. The will of the people have been addressed in the Comp Plan – Standards are in place and to move forward with this development is on a slippery slope. The citizenry have expressed their will. The density is too high and there is a standard agreed to which is no less than 2 acres; the development could be just as profitable. 10 acres per unit means nothing. This needs to be clarified. The Board can encourage setting a precedent of clusters. *Larry Green* – responded to comments and then summarized. Stated Mr. Lynch is incorrect, Mr. Nyro as in Citizens Exhibit II has agreed to screening and he no longer has objections. A lot of the comments have assumed that this is a rural parcel of ground and that depends upon what one's perspective of what rural is – it is next to a 4-lane highway and adjacent to the old highway. It will be on a central water system and submits that it is not a rural area; it is in an area where growth has to occur. Small degree of irony, opponents have said this is a good plan, excellent, creative, and a lot of words complimenting this development proposal. It is a good plan, but good development plans don't come cheap. To preserve the open space and preserve the pasture land to protect the visual corridor between highway 82 and the other developments cost a lot of money. To create conservancy land, which this project accomplishes, has significant goals of protecting water quality, access to the fishing corridor, parking, some density the applicant is asking in return but not significantly above the 2 acres. He believes it meets the Comp Plan and it meets the PUD requirements and asked the Commissioners to approve the proposal. To questions asked by the Commissioners, *Michael Erion* commented on wastewater saying the applicant made representation and he concur with the applicant's engineers with this proposal. As to the density requiring a 20% increase to require additional traffic studies, Mark responded that Sopris Engineering indicated the road was adequate. *Rob Cummins* did contact Road & Bridge as to their interpretations of the traffic and they said there was no indication of a traffic study. The reports stated the driveway permits would not create a problem. *Fred Jarman* – the project area is not located in a traffic impact study and referenced impact fees. CR 100 is in good condition. *Rob Cummins* pointed out they made a dedication of land to expand the park & ride but who pays for that is unsure. Commissioner McCown pointed out that the County's right of way stops at the frontage road and we do not normally pave the State's roads. On the AH plan and the proposed wage percentages that people say they are not able to live in the County, but it may be a problem to live where they want to live and not in the County per se. The lot price is the price of a home in Rifle, it would add to the commute but there are affordable housing in Garfield County. *Larry*

Green made a clarification on the recommendations and discussed these with Fred; there are some typo errors but the developers agree with all conditions within except 18 and 19 – the timelines to submit those various items are flipped. In No. 18, pumping reports are due at time of final plat and No. 19 final discharge at time of CO. Condition 23 and 26 are duplicates and 26 should be deleted. The applicant is agreeable to all conditions.

Fred Jarman called attention to the proposed road width of 50' saying the emergency responders had no problems with the 10' cut in road width. Larry Green – the five (5) un-built AH units will be clarified at the time of final plat as to how managed and deed restrictions, etc. It was noted for the record, in Condition No. 23 (e) each lot owner will have 2,500 sq feet maximum of irrigation water. Tom Zancanella responded to the reason this development did not select to use the Ranch at Roaring Fork wastewater system by saying Why not an agreement with water – why has this not been approached there wasn't capacity unless upgraded. Bob Tucker – Ranch at Roaring Fork – offered to supply to Blue Creek, they elected to go in a different direction. Rob Cummin – did approach them and had numerous conversations and the issue was the current capacity; and the only way they could use their system was to fix the problem and eventually they decided to go with their own as it wasn't any more expensive. Chairman Martin noted that the traffic study needs to be done and it is not being addressed; nor was the school impact fees. Fred said they will be done at time of final plan. Larry Green commented that it was the vacant land was open space in the current zoning, it has a barn and other agricultural uses or for a greenhouse, although the greenhouse was deleted in Condition No. 24. Fred Jarman stated the Board should clarify the percentage of income on the five (5) un-built AH units, otherwise they would not have discretion at the final Number 28 – lease as is. The Board wanted it to remain as is.

Commissioner Stowe made a motion to close the public hearing; Commissioner McCown seconded; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the PUD plan and zone district text, preliminary plan and floodplain special use permit for the Blue Creek Ranch PUD with the recommendations of the Planning Commission No. 1 – 25 eliminating No. 26, recognizing Condition No. 18 & 19 as explained by Mr. Green, with the changes made by Mr. McCown in No. 22 (e) and also include staff's recommendations in No. 27 – 34 are now No. 26 – 33. Commissioner McCown seconded the motion.

Discussion: *Commissioner Stowe* – I realize that this increases the density but I think this is something are looking for as far as fishing access, conservation easements, trails, open space, new corridors, and this provides all of that. This is a textbook of what I've heard the citizenry for the last three and one-half years. Granted the location, as someone said it is two miles between two towns, perhaps isn't ideal but at the same time you have property all around there within a quarter, half-mile radius that higher density, Blue Creek Subdivision, and thinks it is an appropriate use for this area. We are in fact preserving some agricultural land. *Commissioner McCown* – I would concur and in the same sentence in the description of this project, I heard sprawl and density mentioned. To me we need one or the other. I think that Garfield County has been a pioneer for the clustering. We implemented the agricultural clustering for those parcels of ground that are large to avoid the 35-acre breakout supporter and preserving 80% of the land for agricultural and condensing the housing not greater than 20% of the property. I've been a proponent of clustering since I've been on this Board and I think this is the greatest and best use of the land and to leave the areas that are farmable, irrigatable, productive land as much as you can open. There were some things I didn't agree with and we made those changes, but I think this development meets some of the things that we have been looking for. *Chairman Martin* – I feel it needs to be a condition that we have signed agreements with the Roaring Fork Conservation; I did notice on No. 13 that they need to have a ditch agreement with St. Finnbar. There are some good things about it that I've heard are from the Division of Wildlife that the fisherman's access is possible, and that they really want to work with these folks to do so. However, I haven't heard from C-DOT and the Road and Bridge enough in my opinion just that they've applied for a driveway access and they have no objections to that. The line of site is one, the drainage is another, hay bales will be placed in the drainage of CR 100, and again, we didn't discuss that and see if this is the best possible alternative from Road & Bridge, we didn't explore it enough. And looking at the physical development space of this lot and it is not 100% developable, only 60% or 50% is as we see it through rules and regulations. And yes, it's a form of clustering, but not exactly what I'd be looking at clustering. It affects the neighbors and it does change the density within the neighborhood and it is totally different from the surrounding area, good or bad. I don't necessarily agree with the development that's taken place around that particular area or across the street that we're going to see in the future. Also, think that we are lacking

with reference to our traffic study and our road improvements and the working with C-DOT. Also, nailing down the agreements with the Roaring Fork Transit Authority and we need that so that we can go ahead and work with them on our road plan as well as our traffic studies and scenarios. And I think having a new discharge point on wastewater is the wrong way to go, I think that we need to consolidate on that, we talked about that in our plans, Mid Valley Sanitation District is another option that we never explored or talked about. I think it's a beginning but it's not completed in my opinion and the density is too great.

Commissioner Stowe – this subdivision does provide ready access to the low income housing people to ride rapid transit and it is a future hub of the railway that will be a railway stop there, this is an ideal place for more clustering and more density. Vote – Stowe – aye; McCown – aye; Martin – nay. It is approved.

CONSIDER THE APPROVAL OF A SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING LOCATED ON PROPERTY SOUTH OF CARBONDALE OFF COUNTY ROAD 111. APPLICANT: DAVID HICKS

Carolyn Dahlgren, Mark Bean, and David Hicks were present.

Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely 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 – Application and all attachments; Exhibit D – All encompassing letters regarding the Hicks property; all attachments related to the correspondence and the letters from the Town of Carbondale; and Exhibit E – The Garfield County Zoning Resolution as amended.

Mark stated this is a request for a two-family dwelling; a two-family dwelling already exists. The application is requested a Special Use Permit to allow for a two-family dwelling, applicant David Hicks, at 1051 CR 111 on 35 acres. The applicant is proposing to convert the present employee housing on the property into a two-family dwelling so the units may be rented out in the free market in the future. Legal adequate source of water – testimony from Carbondale, the present

The project information and staff comments were reviewed including the relationship to the Comprehensive Plan, Description of the Proposal, Referral Agency Comments, Major Issues and Concerns, Suggested Findings, and Recommendation.

Staff recommends that the application be continued to a date certain, after the District Court has made a final determination regarding the applicant's right to use the water from the Nettle Creek water supply for uses on the applicant's property. Hearing date set in November. Due to that court case, we cannot unless he uses the well for up to 3 dwelling but is not a part of the proposal at this point. Until we know what water is available he suggested to postpone this until early December.

David Hicks submitted a State well permit received when he built the barn – the Town of Carbondale and he is not in context with this application.

Exhibit 1 from David Hicks was presented and accepted into the record.

Mark Bean discussed the situation regarding a viable source of water.

Mark Chain, Town of Carbondale Planner, said he had no idea there was a well permit. In the letter he wrote, on the nature and character of the special use. He did not blame the County; he stated employees of the ranch were living there. The water source is the main concern, it was the town's position that until the court case is decided, and there was not a viable source of water. The water line has to go all the way through – there will be at least 4 taps if town water was used. Another issue was splitting off the lot, as long as Mr. Hicks uses the well, the town wants it noted they do not want the duplex serviced by the town. As long as the town does not serve that property with water, he will take away the request for denial.

Attorney Mark Hamilton was present to answer questions; he stated there is no problem drilling a well on the 35-acre exemption.

David Hicks noted for the record that he disputes the claims that his father and he are not employees of the ranch. In a strict sense, they do not derive their base income from the Ranch, but in every other way they do meet the term - employees. They do not want to use their ag land. As to water, the statement Mark Hamilton made for the Town of Carbondale regarding the ¾" pipe would not deliver water to the ranch and this is being litigated in the court.

David will not agree – to drill the well with the well permit.

Commissioner McCown stated he wanted a date certain to have this resolved or the Special Use Permit will go away. It expires September 15th. He asked David if he could get a well driller in and get everything completed by then.

David said he doesn't plan to drill the well unless the court tells him he has to.

Commissioner McCown suggested he plan on drilling the well if that is going to be his source for this application.

David said if he has a legal source of water.

Commissioner McCown – There is currently no physical source of water and this is the only way a Special Use Permit can be approved. If the well isn't drilled by September 15th, we can set a date certain for the Special Use Permit and it will go away.

David said he was representing to the Commissioners that he has the ability to go drill a well if need be and he will and he does plan on extending the permit to accommodate the court hearing.

Mark Bean suggested, based on what Mr. Hicks is saying here that we go back to his original staff recommendation, which is to continue this to a date certain until we know the final resolution. If we're going to use the well know as the source, then there's no questions, but since that's still up in the air, we need to have resolution from the courts in terms of a decision.

A motion was made and seconded by Commissioner McCown and Commissioner Stowe to close the public hearing;

Commissioner McCown and Commissioner Stowe removed their motion to close the public hearing.

David asked if he could make one further comment. He asked if the Special Use Permit be made conditional upon providing the source of water and if that water is not available at that time, the special use permit would go away.

Commissioner McCown – you can't even apply for your special Use permit unless you have a legal source of water. At the present time, you do not have a physical, legal source of water that you can draw a drink of water out of to supply these two residences. That's the only way the special use permit can be issued.

We're willing to continue this; you would not have to re-notice because we are continuing it. Right now, you don't meet the conditions.

Commissioner McCown made a motion to continue this hearing until December 2, 2002;

Commissioner Stowe seconded; motion carried.

CONSIDER THE APPROVAL OF AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATION: APPROXIMATELY ONE (1) MILE WEST OF THE I-70 CANYON CREEK INTERCHANGE. APPLICANTS: ROC AND MARY GOBOSSI

Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

John Taufer representing the applicants, Tom Wagner, and Rocky Gobassi were present.

Chairman Martin swore in the speakers.

Fred Jarman submitted the following Exhibits: Exhibit A - Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Regulations; Exhibit D - Garfield County Comprehensive Plan of 2000; Exhibit E - Garfield County Subdivision Regulations; Exhibit F - Project Report and Staff Comments; Exhibit G - Application and Exhibit H - Letter from the Glenwood Springs Fire Department to Garfield County Planning Department dated July 12, 2002.

Chairman Martin entered Exhibits A - H into the record.

CONSIDER THE APPROVAL OF AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATION: APPROXIMATELY ONE (1) MILE WEST OF THE I-70 CANYON CREEK INTERCHANGE. APPLICANTS: ROC AND MARY GOBOSSI

Fred Jarman - This is a request for an exemption from the definition of subdivision on a 61.5 acre tract of land known as the Bowles Ranch located adjacent to and north of Highway 6 approximately one mile west of Canyon Creek and three miles east of New Castle. The applicant proposes to divide the property into a total of four smaller tracts 20.220, 34.685, 3.13, and 3.43. The applicant has submitted this second exemption request to create a different lot configuration that would better serve a commercial use on two of the four lots should a subsequent rezoning request to be granted for those two newly created lots. This refers to lots 3 and 4 of the present exemption plat.

Fred continued to give the report to the Board including an additional description of the proposal, the relationship to the comprehensive plan, the referral agency comments, staff comments, staff findings, and recommendations. This was originally approved.

Staff recommends the Board of County Commissioners approve this application for a subdivision exemption with the following conditions:

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

2. The applicant shall provide the Garfield County Building and Planning Department with the approved driveway access permits for lots 3 & 4 from the State Highway Department prior to the submission of final plat.
3. Because the applicant proposes to provide access to Lot 2 via an access easement across Lot 4, the applicant shall record this easement with the Garfield County Clerk & Recorder's Office as well as depict the easement on the final plat provided to the Garfield County Planning and Building Department.
4. The applicant shall inventory the property for any noxious weeds and provide a map and management plan to the Garfield County Vegetation Director for approval for any weeds that are found on the property prior to the submission of the final plat.
5. That the applicant shall have 120 days (until 10/17/02) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption.
6. 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.
7. That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.
8. The access roadway to the parcels shall be maintained adequately to accommodate the weights and turning radiuses of emergency apparatus to permit access during adverse weather conditions.
9. Foundations and individual sewage disposal systems of all new dwellings shall be engineered by a professional registered engineer within the State of Colorado.
10. That the following plat notes shall appear on the final plat:
 - "No further subdivision of these lots shall be allowed."
 - "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by CRS 25-7-401 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 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."
 - "Foundations and individual sewage disposal systems shall be engineered by a professional registered engineer with the State of Colorado."
 - "Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."
 - a) "Colorado is a "Right to Farm" State pursuant to CRS 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."
 - "One dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries. The requirements shall be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."
11. Prior to signing of a plat, all physical water supplies shall demonstrate the following points. These points shall not apply to the existing well on proposed lot 1 - the parent lot:

- 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 of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- F. If the well is to be shared, a legal, well sharing declaration 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;
 - a) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
 - b) For water supplies based on the use of cistern, the tank shall be a minimum of 1000 gallons.

12. A final exemption plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right of way, and any proposed easements for setbacks, irrigation, access, or utilities.

Applicant – John Taufer stated they are trying to reconfigure the lots as originally proposed. Hard lot acreages do change in some degree, they're closing residential use of all four lots, water supply is individual wells, do have permits for those particular wells, also have obtained two additional permits for Lots 3 and 4 for commercial purposes as well, so they are permitted up to 6 individual wells on this particular project. Property is through the augmentation plan, sewage disposal is still proposed to be ISDS and access for Lots 1, 3, and 4 are proposing from Highway 6; Lot 1 from County Road 138, access for Lot 1 since it's an existing driveway and not a change of use will not require an access permit from C-DOT; they have applied for access permits for Lots 3 & 4. They do have an access permit for Lot 2 coming off CR 138. They are still dealing with the exemption and not a potential land use application that will be coming up in front of Planning and Zoning in the future and to this Board as well. They drilled 3 wells and they are good producing wells and are moving forward to satisfy those conditions. There is a change in philosophy and direction on what they want to do with this property and have a couple of different applications going on.

Roc Gobassi stated they originally intended to go for the commercial exemption anyway, keep a small portion in commercial and then they went with the County's application process, being told to follow their process and that was a year ago. We appreciate the first exemption but originally they intended to go with a commercial section and feel it is less disruptive to the whole property to rezone six (6) acres on Highway 6 commercial and keep 55 acres as residential/agricultural. Conrad and Roc are partners in this development. Roc and Conrad would keep a residential section and each have a small commercial lot. Conrad added that this is the best use of the property and keeping the agricultural part of it which is agricultural and the lot they want to make commercial is basically an old gravel pit, no top soil on it and very little vegetation. It is more suited for the area as far as being what we're looking for in this development.

Commissioner McCown asked why didn't they do this in the first place.

Roc said the County application process instructed them in how to go about this; they are on their third (3rd) application.

Commissioner McCown stated that nobody told them what size to make their lots. The downsizing of the lots is the only difference here. The splits are the same, four lots and just creating two smaller parcels.

Patrick Fitzgerald stated that he and his wife Linda are lot owners in the adjoining subdivision, the Senor Mesa Subdivision and also has been asked to speak for Tom Gamba, a lot owner there. Tom works nights at the jail and for Deeter and Corrina Sander who are also lot owners. Pat supported this subdivision when it came to the Board and were glad to see what was being done because it was a continuation of the subdivision they live in as far as the character of the subdivision, the size of the lots and the use. Only a few days ago did he learn that what's really going on here is that this is a precursor to a commercial application and none of the three lot owners that he's speaking for can support the ultimate commercialization of this land. The subdivision exemption that was previously approved

before is a better residential subdivision, the lots are larger, things are spread out and it's a good way to live. You can look at this and intuitively know that it's not going to stay as to the two, three-acre lots, it's not going to stay residential. If approved today the Board will be faced with looking at a request for commercial zoning. A couple of reasons they don't think this is right – 1) looking at the application, the Fire Department statements that are required are the Fire Department statements from a couple of years ago and not reflective of commercial use. If this were commercial use, your fire department would be requiring a water source and water storage that could produce 1500 gallons a minute for two hours. 2) There's really nothing that speaks to sewer for commercial use; if you zone this commercial limited, you could be looking at any number of usages that wouldn't really work on a septic tank. He added that the process is backwards, the Gobassi's are good folks but he thinks they are doing the wrong thing with the land here. You can make money on the four residential lots and really big money for what we've seen the sell for up there and this isn't necessary. 3) The neighbor is changing. One of the things you look at when you're doing zoning is, is it appropriate. There used to be some commercial land out in front of them, most of it is now taken up by a Church. Why was it commercial before? Because in the 60's the Williams estate had a dairy there. That dairy's been gone since 1968. This is not compatible use with the neighborhood and it doesn't fit why they settled out there. And all three Commissioners know that he's not a no-growther, not a NIMBY, but this wasn't the way the deal came down originally and he can't support it and would ask the Board not to approve the change. If they want to go commercial, what we need to do is have a hearing on should that US 6 be commercial and start there. They're going to drop this plat and go back to the other one, if you don't go with the two-three acres today.

Commissioner McCown stated the issue before the Board today is an exemption, not necessarily the rezoning of the smaller parcels.

John Taufer – commented on Pat's issues saying the fire department, sewage disposal have been addressed in the application submitted that will be in front of planning commission.

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

Exhibit I was submitted, the aerial photograph. Chairman Martin entered it into the record.

Commissioner Stowe made a motion to approve the request for an exemption from the definition of subdivision for Roc and Mary Gobassi with the conditions recommended by staff, items 1 – 12.

Commissioner McCown – seconded.

Fred Jarman – on the record, the public stated that the comments from the Fire Department for Glenwood Springs were over two years old, there is actually - Exhibit H - a recent transmission from them.

Motion carried.

**CONSIDER THE APPROVAL OF A PRELIMINARY PLAN FOR THE CLARK SUBDIVISION.
LOCATION: SOUTH OF CARBONDALE, OFF COUNTY ROAD 103. APPLICANTS: JOHN AND
SUSANNE CLARK**

Carolyn Dahlgren, Dean Moffat, and Mark Bean were present.

Dean Moffat request this be continued until September 3, 1:15 PM. Dean represented he would waive the time restriction.

Commissioner McCown moved to continue this until September 3, at 1:15 PM. Commissioner Stowe seconded; motion carried.

Continued Executive Session

Commissioner McCown made a motion and seconded by Commissioner Stowe to go back into a continued executive session to discuss continuing litigation and the personnel issue. Motion carried.

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

ADJOURN

Attest:

Chairman of the Board

AUGUST 6, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 1:00 P.M. on Tuesday, August 6, 2002 with Chairman John Martin and Commissioner Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Human Service Director, Judy Osman, Assistant County Attorney Carolyn Dahlgren, and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.

CONTRACT – COMMUNITY CORRECTIONS

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Contract Amendment No. 1 in the Contract for Community Corrections for an increase allotment of \$9,600 and the Chair be authorized to sign; motion carried.

E-MAIL – COUNTY WEB PAGE -

Commissioner McCown noted a Web site that came in over the County Web Page as well as an e-mail that was generated; he left it up to the County Attorney as to whether this would be discussed in open or closed session for legal advice.

EXECUTIVE SESSION

Carolyn Dahlgren requested an Executive Session to provide the Commissioners with legal advice stating this matter regarding possible inappropriate use of County property and inappropriate behavior as to County employees. She requested the three County Commissioners, Mildred Alsdorf, and no one else at the moment.

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

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

Commissioner McCown asked how we can go about ensuring that any links to our County Web site that we have our Web Master supervise what goes on those links.

Jesse Smith stated they do monitor what goes on the links; the only control they would have on those links is to disconnect them.

Commissioner McCown focused on another elected official, Garfield County link; we can't tell them what they can put on there?

Jesse said no, we couldn't tell them what they can put on it; we can disconnect the link to our County Website

Carolyn asked if we can control the initial link; do we have software that would say you can't put this on our Website until you get it approved by our Web Master.

Jesse said yes that can be done. Also, to determine who is paying for what on the Web, we could go to the vendors that we are paying and request a detail of the account. Jesse said he had heard that this involved a Website set up either by the Sheriff or the Sheriff's employees and that it was on his Website with some questionable material being displaced.

Commissioner McCown – it was soliciting contributions for his campaign and seeking votes and this is totally illegal since it is linked to the County Website.

Jesse said if the Sheriff's Office is paying for that Website, then there would also be an issue.

Commissioner McCown said they have been told that it was independent of ours.

Jesse said if the Sheriff is paying for this personally, then it should not show on our links.

Commissioner Stowe – and then the only violation is the link.

Commissioner McCown – Diana said she could not disconnect it without the authority of the three Commissioners.

Carolyn said she understood that everything that was on the County Website was "the County's" and did not know there were individual links. If the Sheriff's link is the County's then we have a lot more control over what goes on it.

Commissioner McCown – he understood everything on that website Garfield Colorado.com should have been the County's.

Jesse was asked to check into the payee on this account in question. Commissioner McCown said if we are paying for it, he wants our Web Master being responsible for what goes on that site. He stated he received a call from the press last night asking if we felt this was appropriate. Carolyn received a call as well. Carolyn informed the Commissioners that the letter they sent to the Sheriff was not attorney/client privilege and could talk to the reporter about it.

Commissioner McCown focused on the issue at hand about what needs to be accomplished in order to have the Website protection to avoid this type of situation ever happening again.

The Chamber of Commerce is linked to the County website.

The Commissioners requested a direct memorandum be distributed regarding taxpayers money paying for campaign issues.

Sheriff's Budget – November 2001

Jesse informed the Board that the Sheriff talked to him about the cars and indicated that he was requesting X number of new Explorers and a pick-up truck, etc. And there were two (2) 1998 Blazers that he indicated were cars he was replacing for patrol purposes, but still had miles left in them and he wanted to drive the miles off of them. The question in Jesse's mind is who owns those vehicles, does the Sheriff or the County owns those two Blazers because we purchased him two Explorers to replace them? If so, then, can we decide the disposition of those two Blazers? They have taken those two Blazers and have assigned them to their Civil Deputies. Commissioner McCown – no matter what, the County owns those vehicles, not the Sheriff. The discrimination between whether they are Sheriff's vehicles or a Motor Pool vehicle is the discrepancy. All, both, everything that he drives is a County vehicle. Jesse – every time we replace one of his vehicles, it's replaced under the Motor Pool and under their ownership; the Motor Pool then either trades or sells the vehicle that is being replaced. In the case of these two Blazers, we did not trade them nor sell them. Commissioner McCown said he remembers the conversation that he actually ended up with two more vehicles out of the deal. Jesse said we have to provide the District Attorney two vehicles and he currently has two Escorts that need to be replaced. Jesse would like to replace them with these two Blazers. Commissioner McCown suggested replacing them with two more Escorts. Without pulling the Minutes, he assumed that the Sheriff was going to keep control of those vehicles until they reached the time when he traded them in. When the Sheriff has used these Blazers until they are worn out, they will not be replaced. Jesse said the Sheriff is asking for six (6) new vehicles this year. These are to replace 1999 Broncos. Social Services have requested that the cars they are assigned will not be used by anyone but that department. The Commissioners stated that Jesse was in control of that Department and it would up to him to set the policy.

Update on Mitchell Creek

Dennis Davidson, Soil Conservation District was present and gave the Board an update.

Jesse received a call from a lumberjack on Mitchell Creek and indicated he cannot front end the load because of the cost. He needs to be paid on a weekly basis. Dennis did not have a problem with that as long as he doesn't get ahead of them with the money. Jesse said he spent \$30,000 cutting trees. Dennis said we have a problem then. When he spoke to him a few days ago, he was at \$14,000. \$30,000 is all that is obligated at the present time. Dennis indicated in a telephone conference this morning on all the needs across the State, and indicated the tree cutting is quite expensive and not going as fast as he had thought it would. The vendor is Scott Daniels High Rise Tree Service in New Castle.

On the Mitchell Creek, three barriers tipped over last night and washed away; the mud and debris came down to Bruce Bowles garage and up against the deck. He summarized the report of the mud regarding South Canyon, the train getting stuck in mud, and the Panorama fire damage in Eagle.

Adjourn

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

Attest:

Chairman of the Board

AUGUST 12, 2002
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 12, 2002 with Chairman John Martin and Commissioner Walt Stowe present. Commissioner McCown was not present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

▪ ***Vanadium Contamination – Airport Expansion Program – Rifle’s Response***

Ed received an email from Don Metzler and the City of Rifle saying they have opted to completely reconsider the excavation of the vanadium and this provides us an opportunity. The FAA is not willing to pay for any investigation to the environmental study of the potential use of the excavated material for fill at the Airport, and if we want to complete the environmental study, we will have to pay the Environmental Contractor out of County funds. Ed estimated this to be less than \$5,000.

▪ ***2003 Budget – County Surveyor***

Jesse Smith said it’s the beginning of the budget process. He requested direction from the Board as to an office one-day a week plus a salary built in for an appointed County Surveyor. Present County Surveyor Sam Phelps is not seeking re-election for the position. Mildred stated there are no candidates in the election at this time, however there is still time for a write-in candidate. The Commissioners stated unless a candidate comes forward, we will need to advertise the position, then appoint a surveyor and assign a salary for the position as well as look at office space.

▪ ***Town of Carbondale Discussion of Improvements to State Highway 133***

John Heier, City Manager for Carbondale was present. He submitted draft report on the Crystal River Marketplace, Fiscal Impact Analysis for the Commissioners’ review. The town of Carbondale engaged BB Research and Consulting (BBC) in February 2002 to develop a fiscal impact analysis of the Crystal River Marketplace, a 25- acre retail subdivision proposed for a site west of State Highway 133 and north of Main Street. The focus of the study is to determine the potential impact of Crystal River Marketplace on the fiscal balance of the town’s general fund. The assumption is that it would be a community center shopping center with two strong anchors; a discount department store and a grocery store. It is also assumed that the existing Carbondale grocery store would relocate to Crystal River Marketplace. The site plan consists of nine proposed retail sites – these two larger tenant lots and seven lots for smaller tenants. One of the smaller sites would be a 12-pump gas station island.

The Crystal River Project is proceeding with the widening of Hwy 133 – the overall project is \$9 million. In the future some proposal will be made in cooperation with the C-DOT and County on a new bridge across CR 106 with regard to the state sanctioned inspection of the bridge presented to the Commissioners on April 8, 2002. The federal funding under the Surface Transportation Efficiency Act will cover a portion of the costs estimated at \$262,000. Chairman Martin stated this will be reviewed in the future. He also suggested setting up meetings with the City of Carbondale and the City of Rifle and discuss these issues similar to the manner in which this Board meets with the City of Glenwood Springs.

Jail Population Report

The August daily population report was submitted for review by the Commissioners. The total population has varied from 106 to 177 total inmates during the month of August.

COUNTY ATTORNEY UPDATE – DON DEFORD

▪ **EXECUTIVE SESSION – UPDATE ON PREHM LITIGATION, PERSONNEL ISSUES AND CONTRACT NEGOTIATION**

Don DeFord requested that the Board, Ed Green, Jesse Smith, Judy Osman for the Personnel Issues, Mildred Alsdorf, Carolyn Dahlgren and he remain for the session.

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to go into an Executive Session; motion carried.

A motion was made by Commissioner Stowe and Chairman Martin stepped down as Chair to second the motion to come out of Executive Session; motion carried.

Action from Executive Session

Don said the action needed from the Executive Session would be to have a letter drafted to all department heads and elected officials to discourage employees from participating in the upcoming election.

Commissioner Stowe so moved; Chairman Martin stepped down as Chair to second the motion; carried.

COMMISSIONER REPORT

Commissioner Stowe – President of CU invited the Board for a reception at Buffalo Valley; Upper Valley Government meeting - 8 a.m.-Wed. “Putting on the Dog” a Fundraiser – for Colorado Animal Shelter (CARE); the Key Club meeting to discuss their leadership will be here. Chairman Martin – Kiwanis Club Pancake Breakfast this Saturday at 6:00 a.m. – Glenwood Springs Centennial Park; The County Fair held last week was well supported by County staff and Commissioners and John said he appreciated everyone being there. Lois Hybarger was present and balanced the books every night. The Western CTSI meetings are forthcoming. County employee picnic – August 22, 2002 – 3 pm to 5 pm Two Rivers Park.

Ed – Wed – County Health Pool – new rates for 2003 and he said they are projected at 15% – 20 % increase.

Mildred – Primary Election – Tuesday, August 13, 2002

CONSENT AGENDA

Approve Bills

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion; motion carried.

BRIEFING ON ROAN PLATEAU – GREG GOODENOW (BLM)

Greg Goodenow and Steve Bennett presented the Resource Management Plan Amendment description for the first Six Preliminary Alternatives (A, B, C, D, E, and F.) for the Roan Plateau that encompasses approximately 73, 602 acres. He also submitted color-coded maps for the Commissioners showing the alternatives A, B, C, D, E, and F. Greg stated that the overall objections/theme with the six preliminary alternatives is:

A – Management Constraints - To maintain the present uses, by adopting present management constraints and activities; to utilize present stipulations and restrictions.

B – Naturalness Alternative - Presentation of important natural character/ landscape/ features/ ecological/ richness/ unique ecosystem values through natural processes; to emphasize naturalness and special designations & passive management techniques.

C- Traditional & Uses – Alternative - To maintain the present uses and conditions while allowing some opportunities for new oil and gas leasing and development and other surface disturbing activities, by some special designations with a mix of passive and active management.

D – Resource Enhancement - To maintain ecological richness/ unique ecosystem values, using active management techniques, by emphasizing enhancement of resources through special designations and active management techniques.

E – Oil and Gas Leasing Emphasis – Allow for oil and gas leasing and development and other surface disturbing activities in the least restrictive manner, consistent with the rest of the Resource Area by utilizing present stipulations and restricts.

F – Naturalness and Primitive Recreation – Preservation of the natural character/ landscape/ features/ ecological/ richness/ unique ecosystem values through natural processes, preserve present recreational settings and experience, by emphasizing naturalness and special designations and passive management techniques.

EXECUTIVE SESSION – WESTBANK – CMC

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to go into an Executive Session; motion carried.

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to come out of Executive Session; motion carried.

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to go into the Board of Social Services; motion carried.

BOARD OF SOCIAL SERVICES

Lynn Renick, Acting Social Services Director, presented the report.

Lynn submitted the caseload statistics, child welfare placement type, recap of child support collections, calculations by areas of Rifle and Glenwood Springs based on the number of families and children by program area and the Child Care Expenditure and Statistic Report. The caseload is increasing. Presently we only have two in out-of-state facilities for the DDS kids.

Northwest Colorado Options for Long Term Care – serving Eagle, Garfield, Grand, Jackson, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties – Linda Byers, supervisor, submitted a letter to Lynn Renick, Acting Director with respect to Single Entry Point Unit applications for telecommuting. Linda

stated she enclosed the applications but due to Margaret Long's resignation, she did not have her application completed. Linda made comments that telecommuting for the unit has worked for all nine staff members. In addition, the quality of service delivery, staffing patterns, and unit accomplishments demonstrate that the clients are the #1 priority. The regional nature of this program requires that some of the staff will continue to telecommute given the distance from Garfield County. Realizing there are significant equity issues when this occurs, Linda reiterated that most of the staff was recruited and hired under the telecommuting premise. Without a telecommuting situation, she expects staff turn over which would severely impact the client population. The nine County Board of Directors supports telecommuting by Single Entry Point staff and encouraged the Commissioners to discuss this issue and their support. She referenced Nancy Stahoviach, Routt County Commissioner and Kate Jangula, Director of Pitkin County Department of Social Services. Lynn had a discussion with Margaret Long and discussed this as well with Linda Byers.

Lynn Renick explained that after the approval by the Board of the telecommuting policy, there were discussions within the 9 counties around the possibilities of the program being administered as a stand-alone non-profit entity or perhaps another County to be looked at being the fiscal pass through holder of the program. There are presently two Single Entry Point programs within the State that are stand-alone entities. The main reason Lynn brought this forward is for obtain direction from the Board and 2) inform the Board that Routt County is interested. She is concerned about the 30-day policy of the telecommuting policy. Garfield County clients make up 43% of the total 364 clients being served in this program. There are 7 staff members providing the services.

The Board discussed the matter and determined that there is no adverse impact if Routt County became the holder of the Program as this is a pass-through grant of \$433,000.

The program provides senior Services and equipment. Lynn stated that Linda Byers, case manager, would probably resign immediately and there would be two others who would not continue on a long-term basis. She added that some extended conference discussion needs to take place.

Carolyn Dahlgren advised the Board that the Single Entry Point (SEP), Contract with the State has a 60-day notice requirement.

The Board confirmed they are still interested in implementing the telecommuting policy.

▪ ***Informational Letter – Reopening of Western Academy as an Emily Griffith Center***

Lynn summarized the plans that are going forward to reopen Western Academy as an Emily Griffith Center. This is a 28-bed all boy facility for conduct disorders and oppositional behavior. Emily Griffith Centers have been in operation for 80 years. They will be serving the priority of the Western Counties but they will need to bring in other areas to meet the number. Susan Garcia will be the director of the program. She will be meeting with the Social Services managers next Tuesday to discuss the plans. This will be staff secure facility. They are asking for a State license to have a locked area. September 1st is the target date to open.

Rumor has it that this facility will be serving sex-offenders; since that isn't the case; it seems news worthy to clarify that issue with the public.

▪ ***Voucher approval – Lois Hybarger***

Lois Hybarger presented the certifications of payments made for Social Services for June and July, 2002. This is a requirement Lois needed to make to the Board in line with her responsibilities. Lois requested that the Chair be authorized to sign the vouchers.

Commissioner Stowe so moved; Chairman Martin stepped down as Chair to second the motion; motion carried.

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to come out of the Board of Social Services; motion carried.

HUMAN SERVICES COMMISSION

Kay Valaiskis, Chairman and Sue Maisch, Citizen Representative to the Human Services Commission were present.

Ed said there was only about \$12,000 increase in funds this year.

Allocation of 2003 Human Services Grants

Name of Organization	Proposed	Granted
▪ Advocate Safehouse -	\$12,000.00	9,474.00
▪ Aspen Foundation	1,000.00	1,000.00
▪ Catholic Charities	7,000.00	5,000.00
▪ Center for Independence	16,000.00	1,000.00

▪ CMC – Nutrition	8,000.00	5,000.00
▪ CMC – RSVP	20,000.00	14,000.00
▪ CMC – The Traveler	30,000.00	24,000.00
▪ Colorado West Counseling/Recovery	69,000.00	50,500.00
▪ Columbine Home Health	13,800.00	8,500.00
▪ Columbine Homemakers	5,000.00	5,000.00
▪ Computers for Kids	7,500.00	-0-
▪ Cooper Corner	5,000.00	3,000.00
▪ Family Visitor Program	25,000.00	20,000.00
▪ Food Bank of the Rockies	25,000.00	-0-
▪ Garfield County Legal Services	8,500.00	7,500.00
▪ Girl Scouts	5,000.00	1,000.00
▪ Grand River Hospital District	2,600.00	-0-
▪ Literacy Outreach	11,000.00	10,500.00
▪ Columbine Mountain. Home Health	10,000.00	10,000.00
▪ Mountain Valley Developmental	38,000.00	30,000.00
▪ Planned Parenthood	7,000.00	1,500.00
▪ Roaring Fork Family Resource	5,000.00	2,000.00
▪ Roaring Fork Hospice	5,000.00	2,000.00
▪ Salvation Army	4,000.00	4,000.00
▪ Sopris Therapy Services	15,000.00	1,250.00
▪ Youthzone	<u>25,000.00</u>	<u>12,500.00</u>
TOTAL	\$381,400.00	\$228,724.00

The total amount requested was for a total of \$381,400

Kay submitted one correction in the summary - Hospice does not do palliative care and requested this be changed to hospice care in the comments regarding services.

A motion was made by Commissioner Stowe and Chairman Martin stepped down as Chair to second the motion to accept the allocations and comments submitted in the total amount of \$228,724.00; motion carried.

Continued Executive Session - CMC – County and Westbank Homeowners, County and Marlin Litigation – Andrea Litigation and Update on Healthy Beginnings Contract Negotiations

Don DeFord requested that the Board, Ed Green, Jesse Smith, Mildred Alsdorf, Carolyn Dahlgren and he remain for the session.

A motion was made by Commissioner Stowe; Chairman Martin stepped down as Chair to second the motion to go into an Executive Session; motion carried.

A motion was made by Commissioner Stowe and Chairman Martin stepped down as Chair to second the motion to come out of Executive Session; motion carried.

ADJOURN

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair; motion carried.

Attest:

Chairman of the Board

AUGUST 19, 2002
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 19, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 7:00 A.M.

EXECUTIVE SESSION – LITIGATION UPDATE, CONTRACT PROPERTY NEGOTIATION AND CONTRACT, AND PERSONNEL

Don requested an Executive Session to discuss the aforementioned items. He requested that Ed Green, Jess Smith, Carolyn Dahlgren, Mildred Alsdorf and he remain for the discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into Executive Session to discuss these items as Don mentioned; motion carried.

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Determination of Whether or Not to Refer a Special Use Permit Request from GMCO Corp for a Storage Facility Located Approximately one (1) mile East of Rifle off of U.S. Highway 6***

Mark Bean presented the details of the request from GMCO Corp. and the Board decided they could hear this without a referral to the Planning Commission.

- ***Sign Colorado Department of Public Health Contract Renewal Letter – Mary Meisner***

Mary submitted the contract renewal letter for an amended increase of \$159,000.00 to an amended total of \$479,250.00. Of the increased dollars, \$90,000 is to administer the prenatal services program, purchase medical supplies and pharmaceuticals, and to provide medical, laboratory, education and counseling services to low income women and \$60,000.00 is for diagnostic tests, and \$9,000 is for Prenatal Plus Enhanced services. The number of patients to be served is approximately 200 prenatal patients and approximately 17 Prenatal Plus patients.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Contract Renewal Letter adding \$159,000.00 for a total contract of \$479,250.00; motion carried.

- ***Sign Colorado Department of Public Health WIC Contract – Mary Meisner***

Mary submitted the Contract for the Women, Infants, and Children Program (WIC) commencing on October 1, 2002 and continuing through and including September 20, 2003.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Contract Renewal Letter for the WIC program subject to the County Attorney's review and approval; motion carried.

- ***Powerline Installation on County Road 219 Right-of-Way – EnCana Oil and Gas, Dennis Hanson and John Price***

Marvin Stephens, Jake Mall, John Price, and Dennis Hanson presented the special provisions for the power line installation on CR 319 saying the starting date would be fourteen (14) days after issuance of a permit by the Garfield County Road and Bridge Department and completion date would be thirty (30) days after commencement, weather permitting. An as-built survey will be provided to Road & Bridge; signage will be posted at the intersection of CR 352 and CR 319 warning of the work in progress; certified traffic control personnel will be placed on site if deemed necessary; CR 319 will be kept open for traffic at all times; they will notify all parties that may be using CR 319 prior to starting the project; affected areas will be graded and shaped to include barrow ditches, road surface if damaged and replacement of gravel and or Mag chloride; and they will remove rocks 10" in diameter, re-seed, notify the Road and Bridge Department 24 hours prior to start and any problems during the project and agree to a final inspection as well. Dennis submitted a letter from the Road and Bridge Director Marvin Stephens and District Road Foreman Jake Mall stating that Excel Energy and EnCana Oil and Gas USA are proposing to install a power line on County right-of-way on CR 319 for 15095-feet. The first 4300-feet will be underground to the entrance to Grass Mesa Road. The last 10795 will be overhead with the line crossing CR 319 five (5) times. A survey showing the County right-of-way was furnished to the Road and Bridge department and this power line will

not interfere with plans for CR 319, nor will it interfere with summer or winter maintenance and the height of the line will not be a problem for oversize loads on CR 319.

GARFIELD COUNTY EMS COUNCIL - TRAUMA COUNCIL

Dale Hancock submitted the recommendations for Garfield County EMS Council for appointments to the Northwest Regional Emergency Comment Advisory Council for the year 2003. Council submits the following names for consideration: Eartene Nicola of Grand Valley Fire Protection; Susan Taylor of the Silt Ambulance; Carl Smith of the Carbondale Rural Fire Protection District; Nancy Frizell from Valley View Hospital; Cleo Castle from Claggett Memorial Hospital; and Dale Hancock as the alternate to the group.

Dale requested on the Board's consent would be a letter with the Chairman's signature making those appointments to be submitted to AG & C, which is acting as the business agent for the Northwest RETAC. Commissioner McCown noted for the record that they do have a director, Danny Burella.

Dale indicated that Danny was at the Council meeting last week. This is a year to year council, both with funding and where it's going, and it's a very fluid situation which will merit paying attention to and if it's the Board pleasure, he will attend those meetings more regularly as opposed to just being an alternate. Commissioner McCown made a motion that the Chair be authorized to sign a letter and appoint the aforementioned individuals to the RETAC Committee. Commissioner Stowe seconded; motion carried.

CONTRACT – NTCH – TOWER SITE – LOOKOUT MOUNTAIN

Dale – the Commissioners have approved special use permits for this company in the past. They have a desire to go on to Lookout Mountain into the County's multi-user site, which is above the Communication Authority site where we have Rocky Mountain PBS, KRMJ, KJCT, and KREX. NTCH would like to put a cellular site there; it's worth about \$4,000 a year to the County. On approval of legal, Dale asked that the Chair be authorized to sign that one year agreement. Commissioner McCown asked Dale to check with Bob Kibler, Communication Director, for interference possibilities. There have been instances in the past where cellular towers in close proximity to transmission stations have created a lot of interference. Dale said the Agreement on our site is the inter-modulation where the avoidance of inter-modulation is the responsibility of the latest one in because he has to deal with the inter-mod possibilities with those television/radio, plus we have a Road and Bridge radio site broadcasting from that same site. NTCH is not talking about a tower, rather a box space 4' high.

Commissioner McCown made a motion to authorize Dale to move forward with this upon checking with Bob Kibler. Commissioner Stowe seconded; motion carried.

APPOINTMENT TO VARIOUS BOARDS - CRIMINAL JUSTICE – BOARD - PLANNING DEPARTMENT

Chairman Martin requested Dale to investigate this for the Board to see if they need to make those appointments.

Commissioner Stowe mentioned potentially Mike Silvia and Cheryl Chandler leaving the Planning Commission in a couple of month.

WATER LINE – CITY OF RIFLE BY UNICOL – ROADS

Marvin Stephens identified as the east end of 233. Commissioner McCown inquired if there was a bond in place on this road. Marvin didn't recall a bond being in place on this road. Commissioner McCown informed the Board that the City of Rifle is putting in a water line extension and a tank up in the northeast, actually out of the City limits, but it's a higher enough elevation that they'll get some benefit of gravity feed and they are using our County Road to install the water line. Marvin confirmed they do have a permit and the contractor is responsible for damage to the road. Don informed the Board that in many instances the County has required a bond.

SAFETY AUDIT

Ed Green and Lynn Renick were present.

Ed submitted the report to the Commissioners in their packet. He reviewed the report stating it was conducted by Mark Warden, CTSI. He looked at three buildings; the Cattle Creek Building had some recommendations related to fire sprinklers and marking of exit doors, security of shelving. Randy's looking into those concerns and will determine if those changes can be made by our contractor or should be made appropriately by the contractor; if so, they will be done. Regardless of whether it's the contractor or us, we'll make sure those are accomplished. Similarly, there were two findings at the Fairgrounds, one related to storage of recycled oil and the other GFCI circuits. Those have already been corrected. The recommendations that are really troubling in this CTSI audit are with respect to the Taughenbaugh Building. First, Mark's of the opinion that the use of that building has to be altered. He's concerned that

there is just too much customer traffic, and too many people residing in that structure for it to be safe. He cites the fact that it doesn't comply UBC, NFPA, nor AGA and he recommended that within the next two years we develop a plan to replace this facility. There are three operational recommendations in addition to that; they include the fact that we need a centralized fire and smoke alarm system, an evacuation and a complete prohibition of smoking within 100 feet. Ed said they will get a price for the alarm system and that'll be incorporated in the 2003 budget recommendation, the evacuation is completed and now need to run a practice to make sure that everything is okay. The most urgent issue, which Mark stressed as essential, is the smoking ban – getting those smokers off that building. Mark said as long as you get them across the parking lot, he'd be happy with that. Ed proposed building some sort of a structure, a gazebo-like structure right next to that Cement sign in the southwest corner of the facility and they are getting a quote and wanted to obtain the Board's approval. Ed said they need some sort of wind breaker. For the long term stand point, Ed asked for input from the Commissioners. Does the Board want to spend the money to bring the building up to UBC, NFPA, and AGA compliance requirements or start programming for a new facility in the area standards or plan for a new building to replace the Taughenbaugh?

Discussion

The Airport property and/or the Lift-up Building located on Railroad were two possible sites to be explored. Lynn Renick informed the Board that there is 25 staff that works out at the Taughenbaugh Building. Transportation from Rifle to the Airport may be a problem. The Public Nursing component is also located in the Taughenbaugh Building. The Board suggested to start assessing the options and start the process. No option other than implementing the plans for the new building at the Airport. Jesse asked the possibility of Engineering moving to the Airport and we put an element of DSS and Public Health in the Henry Building. Commissioner McCown stated there was not enough room. Recognizing the inconvenience of getting the people to the Airport but it's an inconvenience to get them to the Taughenbaugh. Those from Cottonwood Mobile Park have to find a way to get there now and didn't think it was the County's responsibility to run a shuttle bus for customers. Another suggestion was to use the Road and Bridge property to put a facility – tear it down and utilize the property. If the County does not use the property, it goes back to the City. Commissioner McCown inquired of Don if the property could be used for any purpose or is it for its existing use. Don stated he'd have to look at the deeds first of all but he thought it was for any governmental purpose. Another suggestion was the Lift-Up Building as it's on year to year lease with them. Ed said the location would be right on Railroad and simply move the Lift-Up Facility to the back of that property. The Board felt this site was worth looking at due to its convenience.

WHITERIVER ROAD AND CULVERT – DEPARTMENT OF ENERGY AND VANADIUM

Ed provided the update. The City of Rifle wants to meet with the Commissioners on the evening of 28th of August in Rifle at City Hall @ 6:30 p.m. Wednesday to discuss the Whiteriver Road and the Culvert or Bridge; also discuss DOE and Vanadium. Carolyn asked to add the Public Utilities Commission stipulation agreement for their review. There's a second draft being circulated. Randy Russell has been in contact with the DOE and has some developments to report and he can provide those updates. Ed also mentioned that Carbondale wants to meet with the Commission

HEALTH BOARD MEETING

Ed provided the Board that the Health Board has been meeting but to date there is no good data to share and the Board has asked him not to make it public at this time. The thing that the Commissioners need to know presently is they are suggesting to from a three tier to a two tier structure on the health care coverage to make it work so basically we would be eliminating the EPO provisions and going strictly to a PPO and a basic plan and structuring both to accommodate everyone. There would be less coverage on basic. Dental and optical are staying the same, no substantive increase. More details in September and Ed will update the Board.

Executive Session Direction – Communication – TIF Litigation

Discussion was held with a decision made to invite the City Council to sit down and discuss the TIF in a public session in order to prevent a lawsuit. Commissioner Stowe suggested responding to their letter by suggesting this and setting the meeting for September 10th at 7 a.m. focused on why two governments are suing each other over a tax issue.

Commissioner Stowe made a motion to authorize the Chair to sign a letter inviting the City Council to consider a meeting set for September 10, 2002 at 7 a.m. either at City Hall or in the Commissioners Meeting Room, noting that if they have another time or date, to let the Commissioners know; motion carried.

Purchase of Consulting Contract Services – Social Services

Ed presented the Contract and requested authorization for him to sign on a third party claim for the purchase of consulting contract services for Social services.

Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Public Action

Don DeFord – I need public action on an item - I need the Board, if it is the desire of the Board, by motion to authorize the County to indemnify and provide for the cost of defense for individual employees of the Sheriff Department in the Andrietta case.

Commissioner Stowe I'd make that motion. Commissioner McCown – second. Motion carried.

EXECUTIVE SESSION - CONTINUED

Don DeFord requested an Executive Session to continue discussing Prehm Ranch. Don DeFord, Ed Green, The Board, Carolyn Dahlgren, and Mildred Alsdorf were requested to attend the session.

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

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

COMMISSIONER REPORT

Commissioner Stowe – 11:30 a.m. Tuesday, Review of the new Emily Griffith Center with the Director Howard Shiffman. Personnel 1:00 p.m. Tuesday; City Hall Grand Opening – 5:30 PM – Thursday; Roaring Fork Housing on Monday 1 to 4 p.m. Will attend the Reudi Water Board meeting on the 29th at 5:30 p.m.; Silt on the 30th and 31st – draft - New Performance System being recommended

Commissioner McCown – Western Academy now the Emily Griffith Center to meet the new director; Communication Board – Employee's Picnic – Thursday.

Chairman Martin – 30 and 31st Fairgrounds – Western CCI – Montrose 21st. Smart Growth – Grand Junction on the 23rd – Friday morning.

Howard Shiffman – Director – Emily Griffith Center at the Western Academy

CONSENT AGENDA

- a. Approve Bills
- b. Sunlight Mountain Inn Liquor License Renewal
Changed ownership of land but it is still leased back to the operator.
- c. Sign an Acknowledgement of Partial Satisfaction, Subdivision Improvements Agreement for the Roaring Fork Preserve Subdivision
- d. Sign a Special Use Permit for the Glenwood Cavern, Inc. and JMB Properties
Must comply until they adjust. Don expects a request for a hearing.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - d; carried.

CONSIDER A ZONE DISTRICT CHANGE FROM COMMERCIAL/LIMITED (C/L) TO RESIDENTIAL/ LIMITED/SUBURBAN DENSITY (R/L/SD) FOR PARCELS LOCATED IN WEST GLENWOOD SPRINGS, ALONG MEL REY ROAD, BETWEEN DONEGAN ROAD AND U.S. HIGHWAY 6. APPLICANT: GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

Don DeFord, Mark Bean, and a host of citizens from the area were present.

Don DeFord reviewed the public notification with Mark Bean and determined it was timely and in order. He advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the zone district change and submitted the following exhibits:

Exhibit A – Proof of Publication. Exhibit B – Returned Receipts Exhibit C – Project Information and Staff Comments Exhibit D – Garfield County Zoning Resolution

Exhibit E – Letter from the Cooks dated June 19, 2002 6-19 Exhibit - F – Garfield County Comprehensive Plan

This is a request to change zoning for 11 properties south of Donegan along the south.

Residential/Limited/Suburban Density – does not allow for multi-housing as a use by right. He reviewed the criteria – comply with Com Plan and a change in circumstances and deal with compatibility, health, safety and welfare. At the Planning Commission (PC) meeting a number of residents spoke. The Cooks letter expresses concerns. Use by right would require a hearing for a Special Use Permit. The PC did

review and recommended disapproval with the comments that the property owners can't have it both ways. They did not recommend the zone district change.

Citizens comments Randy Wagner – 201 Mel Rey Road – after the last meeting when the applicant was denied to build a 6-plex was done. Also, public safety was to be addressed and it hasn't been. Concern – changing the zoning will impact several others, independent business owner but the fact that if this changes he will be grandfathered in and if he wants to retire, he can't sell it as a business. No one had committed to what they felt was appropriate, but that much density without sidewalks and traffic lights, he didn't think it was safe. Katherine Wagner – We are 30 years too late to zone it residential. Boutique, Hairdresser, Doctor Eicher, and everyone was happy. Couldn't accept the 6-plex but he wouldn't downsize. She felt there was no way we should rezone it now. Even if it is made single-family units, will not accept the traffic. Spoke on behalf of Ms. Bendetti who would like to keep it commercial. Kevin and Laura Merritt – He and Laura were the only one at the PC and understands they can't have it both ways. The PC picked on them and it was cationic on their street. Dwayne Stewart wasn't the target they just wanted to operate a small business. Speed limits and no parking signs have not been posted – need more signs, no police department coverage and the Sheriff has been patrolling. No walkway for the kids as the bus lets them off at the corner of Mel Rey and Donegan. Suggested putting a sidewalk and have the bus stop further down on Donegan. They are willing to give up the privacy to have a sidewalk. Came in with a solution to solve the problem. Wants to leave it as commercial. 0244 and 0246 Mel Rey Road.

Sharon Christner – 0072 Mel Rey Road – zoned commercial, design auto visual – wrote letter to the Commissioners against the 6-Plex and unclear as to where this zoning is taking place. One-way street – totally against – not feasible for semi-trucks. It makes sense to keep it commercial, as it's right off the main highway. Backtracking to make it right for Dwayne Stewart for denying the 6-plex on a very small lot. Felt that just because the neighborhood rose up to protest. Blaine Ward – 0192 Mel Rey Road – purchased it as a commercial piece of property and if this is changed it will lower the property value. Donegan has trailer parks and commercial. He wouldn't have purchased the property had he known the zoning was to be changed. Bill Forester - 0170 Mel Rey Drive – owned for 3 decades. He wants it to remain as the current zoning. He wants to retire sometime and if the zoning is changed, he will lose money on his property. This is his first meeting to attend, please do something with this street. Mr. Demos wants to preserve his pasture. Chairman Martin clarified that it is open/undeveloped land and wants to preserve his heritage. Bill Dodds-Scott – operated a commercial business out of his property for years and wants to keep it commercial.

There is an easement, utility right-of-way and a good place to keep the people off the street. Wayne Waggle – Looking for a shop, talked to Floyd Demos, lives on Ponderosa Drive, purchased the land and wants to build a shop. Duane Newman referred him to the new property where he's building a 30 x 30 foot building. Down zoning to residential will present a problem as it purchased the property for commercial. Against down zoning the area. Kim Forester – reiterate some of the things already brought up. The lack of parking, no sidewalks, was the reason she was opposed to the 6-plex. Would like to see this problem solved. Wants it to remain commercial. Dwayne Stewart – in valley for over 20 years. Purchased the property for commercial – against the down zoning. If the County rules say it's a use by right then he felt this should be approved. It's a bad investment to buy land in Garfield County when it's a use by right. The message sent was mixed – by restricting the size of the lot was not right, and then spell it out. He followed all of the rules and was denied. Keep this commercial zoning.

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

A motion by Commissioner McCown and seconded by Commissioner Stowe that we disapprove the change from Commercial/limited (C/L) to Residential/Limited/Suburban Density (R/L/SD).

Discussion - Findings

The Board stated that this hearing was to offer these eleven (11) properties the opportunity to rezone. Earlier this year, the protest over the issue of an apartment house being approved in the current – briefly – in proposing to change this zoning, they were trying to give the area a measure of safety. There are things allowed in commercial. They could have built a motel. This was giving the residents an option. The people have spoken and he wondered if the speakers.

Motion carried.

FURTHER CONSIDERATION OF JOINT REQUEST OF WESTBANK HOMEOWNER'S ASSOCIATION AND MARLIN (COLORADO) LTD. TO VACATE PUBLIC ROADWAYS

Chairman Martin – I'm going to try and get started here, this is a continued meeting, reopening it at this time, and this is continued from April 8, 2002. I want everyone to look at all the exhibits and all the

testimony, all the evidence that was presented at that hearing are still part of the hearing and still part of this proceeding. Mr. DeFord, if you have any other items that need to be introduced as, such as notification. Don DeFord – Yes, I'd like with notification if I might, Mr. Chairman, as you just indicated, uh, in part anyway on July 26th of the this year, the Board by, passed a motion to reopen a hearing that was commenced on April 8th at which you gave consideration to uh, petition of the Westbank Ranch Homeowners Association and Marlin Inc. to vacate certain roads and described in that petition as they lay across the Prehm Ranch in Westbank Ranch Subdivision Filing Number One (1). The actual request was set forth in the application uh and is contained in the record of proceedings at this point. Prior to commencing the hearing on April 8th, uh, County provided notice, not only as required by State Law, but actually went beyond State Law providing notice to all individuals, who at least arguably were within the vicinity of the roadways that were for which vacation was requested as well as public's notification. We have provided similar notification prior to today's hearing uh, and I would ask you to accept into the record, first of all the Proof of Publication which occurred in the Glenwood Post on August 1st, 2002 providing notification of today's meeting. Chairman Martin – We wish to go ahead and continue the Exhibits through the alphabetical order, which we are now at H, Mildred Alsdorf – No, this will be Exhibit L. Chairman Martin – This will be Exhibit L, all right. Go ahead.

Don DeFord – We also provided, as we did at the, prior to April 8th, notification as I said to various landowners, we have a list of those, they include uh the applicants, uh Westbank Ranch Homeowners Association, uh Marlin, uh and it's attorney, uh the City of Glenwood Springs, uh Bershenyi Land, the owners of Four Mile Ranch, as well as a number of property owners in the uh Prehm Ranch as well as the Westbank Ranch, I have a full list of those property descriptions, Proof of Mailing and Proof of Receipts. These were mailed on the Thirty-first (31st) of July and would like those accepted as mailings into the record. Mildred Alsdorf – That'll be Exhibit M. Chairman Martin – All right. Thank you. Don DeFord – And this time, I would also like to include in the record, a map if the Board wishes to review it, you may, it is generated by the Assessor's Office at my request. It covers and indicates by red x's all those property owners who were provided with notice pursuant to the description I just gave.

I would note at this time, that uh the County Assessor Shannon Hurst is present, she is the one who identified property owners at my request and prepared that map. Uh, I would ask that if you have questions of notification that would be directed to her, if you could ask those at this time, I think she'd appreciate it, uh, if there are no questions, I think she'd like to return to her normal duties. Chairman Martin – And you had that as a separate Exhibit as N. Is that correct?

Don DeFord – Yes. Chairman Martin – All right. Any questions of the Assessor in reference to notification? All right, so accepted. We'll accept L, M and N at this present time. Don DeFord – Uh, Mr. Chairman if I could, there's some other Exhibits I'd like the Board to accept into the record at this time. And then I'd like to give a brief narrative description of uh three (3) or four (4) of those and then proceed to witnesses that the Board asked me to have present at today's meeting. Don DeFord - first by way of Exhibits, uh, I prepared a packet for the Board to review prior to today's meeting at the Board's request and it was only available late Friday so I would state, first of all for the record, this, some of this information has not generally been available to either the public or the applicants until right now, today. Chairman Martin – Mr. Neiley, have you received this packet? Rick Neiley – No, I HAVE received nothing. Chairman Martin – All right. Rick Neiley – Other than public notice. Chairman Martin – Thank you.

Don DeFord – First I would like the Board to accept into the record, a Transcript of the Proceedings of April 8th as prepared by the Clerk and Recorder's Office, uh, this is a complete transcript as you held a joint meeting and public hearing considering various land use items, uh that could be accepted as Exhibit Mildred Alsdorf – O. Don DeFord – We also have uh for the record, a Transcript of the Minutes of your July 26 Meeting at which you made the decision to reopen the hearing of April 8. Mildred Alsdorf – Exhibit P. Don DeFord - We have a letter of July 8th, 2002 from the City of Glenwood Springs asking you to reopen, uh the meeting of April 8th. Mildred Alsdorf – Exhibit Q. Don DeFord - A letter of August 4th from the City of Glenwood Springs reiterating that request and providing additional information as to why they were making that request.

Mildred Alsdorf – Exhibit S. Don DeFord - And a letter of August 8th, 2002 from the City of Glenwood Springs to Ms. Duroux and Ms. Hiller, again, providing a basis for the City of Glenwood Springs requesting reopening the hearing of the April 8th. Mildred Alsdorf - Exhibit S. Don DeFord – this may already be in the record, in other forms pursuant clearly it's own document, I would like you to accept in the record, the Stipulation of Settlement, in Case 01CV207 and 01CV208. You'll recall that this meeting

was originally undertaken in consideration of that Stipulation of Settlement. Mildred Alsdorf - Exhibit T. Don DeFord – I would like you to accept the Motion to enforce Stipulation in both of the cases just referenced as filed by defendants, by defendant, Marlin, that sets forth a position of Marlin as to why you should not uh reopen the hearing of April 8th.

Mildred Alsdorf – Exhibit U. Chairman Martin – Yeah, one leg fell off there. Don DeFord – The next Exhibit, I'd like you to accept into the record Objection filed by the County to that motion to enforce settlement, stating the position taken in Court, uh for the basis for this meeting today. Mildred Alsdorf – V. Chairman Martin – The letter V. Don DeFord - uh, I'd like you to accept into the record, the Order of the District Court partially granting the request Marlin for a temporary restraining order pursuant to that order you were permitted to go forward with the, today's meeting. Mildred Alsdorf – That will be W.

Don DeFord – I would like you to accept in the record documents concerning the deeding of the right of way from uh, landowners in Nineteen zero two (1902) to the County and also deeding of that right of way from the County back to landowners in Nineteen fifty-nine (1959). You have some of these documents in the record already in the form of the nineteen zero-two (1902) deeds. I think it's important that all of these documents be together so you can see the transfer in Nineteen zero-two (1902) of a right of way and transfer back to owners of what is now Westbank Ranch in Nineteen fifty-nine (1959) and the entries in the Clerk and Recorder's Office or the lack thereof concerning that deeds. Mildred Alsdorf – So that's X. Don DeFord - The next document I'd like you to accept in the record is correspondence and an opinion report from Title Examiners Shirley Chavez and Mike Dulocky, this was prepared in August of Nineteen ninety-four (1994) at the request of the County Commissioners for purposes other than today's meeting obviously. But this specific portion of that report concerns the Midland Railroad right of way, uh the potential deeding of that or the failure to properly deed that, as their opinion states, uh to Garfield County. Mildred Alsdorf - Exhibit Y. Don DeFord – Just a moment. The next document I have is a Nineteen-eighty (1880) Road Viewers Report,

this is actually an Eighteen-eighty (1880') Survey. This document was contained as a loose map in the Clerk's Office, it is uh, was given a number for purposes of holding it in her files but it is not recorded in the Grantee/Grantor Index, nor does it have a narrative, at least that's easily legible. Uh, it is simply a map that appears to have survey points, it does depict Four Mile Road, it also appears to depict a road that runs from the Intersection of Four Mile Road and Four Mile Creek down Four Mile Creek to its confluence with the Roaring Fork River and thence in a southerly direction across property that today would be Westbank Ranch Filing Number One (1). It appears to be in the Eighteen eighties (1880's) at some point. Mildred Alsdorf - Exhibit Z.

Don DeFord - The next document is an Eighteen eighty-five (1885) Road Viewers Report uh that appears on it's face to uh describe portions of Four Mile Road, uh whether or not this uh Road Viewer's Report deals with any of the roadways we're concerned with across Prehm Ranch and un Westbank Ranch Subdivision, I can't tell you, I've asked Sam Phelps to take a look at that and I don't know if he's had enough time to even address that but it should be accepted in the record. Mildred Alsdorf - Exhibit AA. Don DeFord - The next document is an Eighteen eighty-eight (1888) Road Viewers, let me back up for a minute, that last document is not contained in the Grantee/Grantor Index, uh it was contained, was that contained in the Road Book, I believe that was.

Mildred Alsdorf – Yes. Don DeFord - Set forth in the, Mildred's Road Book, but not in the Grantee/Grantor Index. Chairman Martin – And that's a separate record than the Grantee/Grantor. Don DeFord – That's correct. The next document is an Eighteen eighty-eighty (1888) Road Viewers Report, uh that appears to portray and describe a road that runs from un generally the Cardiff area southerly into the section where the Westbank Ranch Filing Number One (1), no, excuse me, it does not run that far, it runs into the area where, it would be the middle of Prehm Ranch today. Uh, I've asked Sam Phelps to take a look at this document as well, whether he's had time to analysis it or not, I don't know, he'll have to tell you that. This document was received for recording, it was given a reception number but it was not contained in the Grantee/Grantor Index. Mildred Alsdorf - Exhibit BB.

Don DeFord – The next document is a portion of the Nineteen ten (1910) County Road Map. Uh, this is map that is held in Mildred's Office, it is not recorded in the Grantee/Grantor Index. It has not been given a reception number but it is a document filed with the Clerk and Recorder and appears to be at least in Nineteen ten (1910) some type of official road map of Garfield County. We have copied for you, consideration only, a portion of that map; it's a very large document in two sheets, covers the entire County. We have copied the portion, and will introduce into the record the portion that covers the area between Glenwood Springs and Carbondale. Uh, you will observe on this and I'll point this out a little bit

later, on the overhead, that uh it portrays a road that runs from Glenwood all the way to Carbondale on the west side of the Roaring Fork River, uh and it covers an area between Cardiff and the Westbank Filing Number One (1). It also portrays a road running from Four Mile Road to, down Four Mile Creek to its confluence with the Roaring Fork River. Mildred Alsdorf - Exhibit CC. Don DeFord - The next document is actually two (2) documents, there are two (2) maps uh that were contained as loose filed maps in Mildred's Office, we could not find a Grantee/Grantor Index for these documents, did these have a reception number? Mildred Alsdorf - I'm not sure. Don DeFord - I don't believe they did, yes, they did, and yeah, they did have a reception number, these appear to be gas line location maps uh, the part that's relevant for your consideration today, is they show a gas line portraying it running across Prehm Ranch and Westbank Ranch Filing Number One (1) and in portions of that it also indicates that the gas line, as it was, as it lay, also coincided with the County Road.

Mildred Alsdorf - Exhibit DD. Chairman Martin - Double D on that one, okay. Don DeFord - Um, I also note that we have received at least were set forth on my desk this morning some correspondence from private individuals that need to be accepted into the record. We have a letter from Gary and Bonnie Broetzman dated August Sixteenth (16th).

Mildred Alsdorf - Double E (EE). Don DeFord - A letter from Ed Rosenberg, my copy's undated but perhaps yours is better because there should be a fax date on the top, I just can't read it. Mildred Alsdorf - Double F - (FF). Don DeFord - A letter dated August Fifteenth (15), 2002 from Danielle Hammond to the Board. Mildred Alsdorf - Double G (GG). Don DeFord - And a letter from Richard and Janet Nipper to the Board dated August Eighteenth (18th). Mildred Alsdorf - Double H (HH). Chairman Martin - Any other items? Don DeFord - I have no other items at this time, Mr. Chairman. I do, would like to describe a couple of these exhibits though. Chairman Martin - We'll accept, I think Exhibits Q through HH as described by the attorney, put those into the record. Don DeFord - Would you come up for just a moment. We've asked Fred Jarman to assist, he's going to present a few maps at my request, on the map behind you, and you should be able to observe in front of you. These are simply by way of illustration of some of the documents that previously were in front of you, and are in front of you today. Let me see if I can get the pointer to work. If you take a look at, this is the Westbank Ranch Planned Development Subdivision Filing Number One (1) map and this document is already in the record before you. Uh, this is simply to portray some of the area that uh we're concerned with for everyone's refresh, to refresh everyone's recollection. This is Oak Lane, this is a cul-de-sac at the end of Oak Lane, and this is Lot Twenty-two (22) which is currently owned by one of the defendants in the original action, Lynne Cantrell. This is Lot Twenty-three (23), you can't see it real on this overhead map, but there is still portrayed on this plat a road easement at the end of this cul-de-sac, you can just see one of the lines there. Uh, that runs from the end of the cul-de-sac to the property line. This is the property line between the Westbank Ranch Subdivision Filing Number One (1) and Prehm Ranch, which is owned by Marlin. Uh, these, most of these properties, if not all of them on this map, received notification of today's hearing. Fred, if you could move to the of the Preserve, this is a plat of the Preserve at Prehm Ranch, UH; this would be the property line I just described at that location. Uh, on the other side of that, let's see that would be to the east, as this map is oriented, uh, is the Westbank Ranch Filing Number One (1) and in the area right, where I'm pointing at this location is the cul-de-sac. Uh, these three lots that I'm pointing to at this point, generally over in this area, there are three (3) lots uh and then one larger lot that comprise the rest of the ranch where the subject of the exemption request by Marlin that was originally approved and then was amended as part of the Stipulation of Settlement. And this end of the roadway is County Road One sixty-three (163) where it comes out of Prehm Ranch. If we move to, this is an overall drawing; I wanted to portray a few things on this map. Approximately in the location I'm pointing to is the

Hardwick Bridge and the other side you can see uh, a marker pointing to Four Mile Creek that runs down, this would be Four Mile Road runs across that and when I referred from Four Mile Road down to the confluence of the Roaring Fork River, it is this area of Roaring Fork Creek that I was referring to, you'll see it runs through the area that known as the Preserve at Prehm Ranch and this is the end of Oak Lane in the Westbank Ranch Subdivision. Some of these, if you'll keep in mind Four Mile Creek, its confluence of the Roaring Fork River, Hardwick Bridge, those will provide some geographic markers for you as we look at some of the other documents and there are many documents that we didn't have time to put on overhead, unfortunately so that the public will not be able to see of the things you will be able to in the Exhibits that we've given you today. Okay. This is the document that is already in your record and has been referred to as the Rosenberg Map or the Rosenberg Survey. You can see by its own terms that it was a nineteen zero-two (1902) survey. I'm generally following along the course of the roadway depicted in this survey. And

this is what I meant by geographic markers, you can see Four Mile Creek marked on this old survey, you can see the location of the then Hardwick Bridge to the best of my estimation, that's in approximately the same location, although it's a new bridge today. So, okay, Fred, this is the Nineteen-ten (1910) County Road Map and colors are important on this map and so we had some difficulty getting this reproduced from the original, but uh, you can see in red, portrayed County Roads, some are darker than others, but where there is a red line that is meant to be a road. You can see, well this, this is the larger map, this is when I told you we took a portion of the map, this is the area from Glenwood Springs to Carbondale, uh, the map itself, this sheet actually covers all the way from Rifle to the eastern border of Garfield County, so this is a small portion of it, and you can see many County Roads portrayed on this map. Some of the geographic markers I've asked Fred to put back in, the Hardwick Bridge, and Four Mile Creek. I've asked Fred to blow this up a little bit. Now this is a narrower view, let me point out a couple of markers on this. This is specifically confined to the area we're concerned with and you can see Four Mile Creek, Four Mile Road, there's Four Mile Creek going down to its confluence to the Roaring Fork River, you will see the red line portraying the County Road based on the Legend of this map. By the way this map is available in Mildred's Office for inspection, but I don't believe she'll allow it to be removed. Mildred Alsdorf - No. Chairman Martin - And it's in very tender shape.

Don DeFord - You can see a road portrayed beginning generally in the Cardiff area, a little bit to the north of the Cardiff area, running the southerly direction, intersects that road that comes down from Four Mile Creek and then proceeds, continues in a southerly direction, intersects with the road that comes over with the Hardwick Bridge, which again is one there's one of your geographical markers. There's the confluence of the Four Mile and Roaring Fork River. Up here, I believe, this is the Cardiff Bridge you can see to the north; just to give everyone a reference. So that generally is the area that's portrayed on this map and as I've told you, it's a very interesting documents, historically it demonstrates a lot of roads but as you can see, the roads are really drawn on here in a general fashion; I think Sam Phelps will describe that a little bit later. Uh, and it is not purport to legally locate roads but it does show where the County was maintaining roads in Nineteen-ten (1910). With that, if you wish I can leave this map up if you want it for reference for a while, or we can do with it as you wish, but at this point, I'd Sam Phelps to come forward for some questions that I and the Board, I think, have for him. Chairman Martin - All right. Sam, did you have overheads as well that you wanted to show? Sam Phelps - No, I don't. Chairman Martin - All right. You have no objections to leaving that up there then. Sam Phelps - No. Chairman Martin - It's a better backdrop than just looking at me, okay. Come on up. If you'd have a seat up here in front, or you can sit right at the end right there, everybody can see you. Don DeFord - Sam, why don't you identify yourself so we have you on the record. Phelps; I'm the Garfield County Surveyor.

Don DeFord - Sam, you were present on April 8th, weren't you this when this matter first started? Sam Phelps - Yes, I do believe I was. Don DeFord - Do you recall in the petition that the applicant's Marlin and Westbank Ranch Homeowners presented, they attached to that application uh two (2) plats or plotting that you had actually prepared? Sam Phelps - Yes, I believe that to be correct. Don DeFord - When you were first asked to participate in litigation involving Garfield County and Marlin, Westbank Ranch Homeowners Association, what function were you asked to perform? Sam Phelps - I was asked to determine whether the driveway that was constructed from Oak Lane into Prehm Ranch crossing over Lot Twenty-two (22) whether it lied within the deeds that were recorded in nineteen zero-two (1902). Don DeFord - Were you able to reach an opinion as to that?

Sam Phelps - I was. Don DeFord - Okay. And what was your opinion in that regard?

Sam Phelps - My opinion in regards to that is that they did not, or the driveway did not cross the deeds depicted, or recorded in nineteen zero-two (1902). Don DeFord- In conjunction with that, were you also asked to at least, if possible, plot the legal description of those nineteen zero-two (1902) deeds to see where they would fall on a mapping of Prehm Ranch and Westbank Ranch? Sam Phelps - Yes, I did. Don DeFord - And is that what those two (2) sheets that were presented by the applicants really were?

Sam Phelps - That's what they really represent, yes. Don DeFord - Could you just now describe what you did in preparing those maps and what those depictions portrayed, and use the maps if you need to explain it to the Board. Sam Phelps - I have a copy of the same map here. Don DeFord - Okay. If you need to, come on up in front of the

chairs. Chairman Martin - Is there anyway we can display these for the public to see as well? Do we have a display board? Don DeFord - I'm sorry I don't have that item.

Sam Phelps - Sorry about the small scale of the map, okay. I was not able to get these to these guys to put into the power point presentation. As originally stated, we were asked to determine whether the driveway

that was constructed across Lot Twenty-two (22) from Oak Lane into Prehm Ranch crossed these right of ways, okay. And that area is depicted right in there on the map, okay. Uh, the Rosenberg Map depicts a uh, a road right of way, but the right of way is not numerically defined on that map, so we have to go back to the original deeds. On the Rosenberg Map, okay, there is a notation of the, I believe it's noted as the Old Quarter Corner Location, which would be the northeast corner of what is known as Governmental Lot Thirteen (13), which is the point of beginning for these deeds, okay. To make sure that we were realistically looking at this, the driveway did not in any way cross any of the portions of these deeded right of ways, we took the liberty of plotting some these locations uh trying to depict whether that Quarter Corner as noted on that Rosenberg Map, the Rosenberg Map was put back up, can you point to it, it's one the overhead. Sam Phelps - Okay, the Quarter Corner location is that one that's right in that location, okay, that's where the deeds described begin, okay. Then they run in a general north and westerly directions uh up through the Prehm Ranch parcel. Uh, the descriptions, like I said, begin at the northeast of Governmental Lot Thirteen (13). Uh, the reason there's two (2), or the Governmental Lots exist, is because there was a suspended survey done back in, I believe, Eighteen eighty-eight (1888), okay and people already had possession of the property, okay, so the possession, they created the lots, okay. And hence that's why the Old Quarter Corner Location is shown on that map. The Rosenberg Map shows us the Quarter Corner, which should be the same, according to the geolo notes, should be the small as Governmental Lot Thirteen (13). If you look at the map, it's not depicted that way, okay. So I took the liberty of taking those descriptions and plotting them to both locations to see if, indeed, that driveway crossed those right of ways, okay, which based on any scenario it appears that it did not. So that's the purpose of the map showing the different locations of the right of way. Don DeFord - Sam, is it, as the description crossed Prehm Ranch, you've portrayed two (2) possible locations for the description? Sam Phelps - That is correct. Don DeFord - Why, can you explain why there are two (2) possible locations across Prehm Ranch first of all? Sam Phelps - One is based on the deeded information exactly as it appears way deeded in the deeds. The second is a possible location that may have been corrected for the difference in the Quarter Corner Location as shown on the Rosenberg Map. Don DeFord - It may be difficult to see, but from your best estimate on those descriptions, do either one of those uh PLOTTING fall where the County Road, One sixty-three (163) current lies? Sam Phelps - I have no survey data to tell you exactly where County Road, One sixty-three (163) lies. Don DeFord - Okay. Across Westbank you've portrayed it three

(3) different locations? Sam Phelps - Yes. Don DeFord - And why are there three (3) in that area? Sam Phelps - The third (3rd) one is based on a call in the geolo notes for a County Road that they crossed when they reran the Government Lots. Uh, we plotted that on there and the purpose of that was to determine if that could have possibly have been the road that was surveyed by Rosenberg in Nineteen zero-two (1902). I've come to the conclusion that it was probably was not. Don DeFord - Now, in regard to, to these portrays, do you have any other comments right now that you think you, the Board needs to be aware of from the County's Surveyor's perspective on the location of the Nineteen zero-two (1902) deeded right of way? Sam Phelps - Not pertaining to the Nineteen zero-two (1902) right of way, no. Don DeFord - Before we move to another topic, maybe I should ask the Board if you have questions of Sam on this particular plotting, because I know the Board did before. Chairman Martin - Do you find any physically, uh, identifiable thing so on either side of the Prehm Ranch, either from One sixty-three (163) un to the cul-de-sac? Sam Phelps - John, my original direction of the survey was Oak Lane specifically Oak Lane and the driveway, okay. Chairman Martin - Okay, if you were able to find something that would identify physical location such as roads, bridges, or whatever, and then seek on the ground the remnants of that, could you plot it at that time? Sam Phelps - Yes, I could. Chairman Martin - Okay. All right, go ahead. Don DeFord - Sam, uh I asked you to take a look at uh, some other documents, but just in the last few days I asked you to do this, uh, did you have a chance to look at the Eighteen eighty (1880) survey that I referred to earlier? Sam Phelps - Yes, I did. Don DeFord - Does it appear at least uh preliminarily to portray roads that uh may cross Prehm or Westbank Ranch? Sam Phelps - Yes, it does.

Don DeFord - Have you had an opportunity to uh examine that thoroughly to see if you could plot that road, uh based on the information contained on that survey? Sam Phelps - Actually, I have not. And there may be other information that would accompany that map that may not have been part of this, it would be a Road Book that has survey notes as the County Roads existed in Eighteen ninety (1890) I believe. It is the County Clerk and Recorder's Office. Don DeFord - And so you would need additional time to see if

that information is available then. Sam Phelps – Yes, I would like that. Don DeFord – Okay. I also asked you to take a look at the Eighteen eight, what I think is the Eighteen eighty-five (1885) Road Viewers Report, you know what I'm referring to, don't you?

Sam Phelps - Yes, I do. Don DeFord – Have you enough of an opportunity to look at that document to see if anything in that Road Viewers Report relates to roads that cross the Prehm Ranch or the Westbank Ranch Subdivision? Sam Phelps – The Road Viewers' Reports uh, appear that they contain information about roads that cross through these properties. Don DeFord – Have you had enough time to state with certainty where that Road Reviewer's Report might locate those roads? Sam Phelps – I have not been able to sit down and plot these locations out relative to what information that I do have. Don DeFord – And lastly I have the same type of questions about the Eighteen eighty-eight (1888) Road Viewers' Report that we've put in the record. You know what document I'm referring to, don't you? Sam Phelps – Yes, I do. Don DeFord - Have you had a chance to look at that to see if it relates to roads that may follow across the Prehm Ranch or Westbank Ranch Filing Number One (1)? Sam Phelps – Yes, I do believe that they may indicate roads across there. Don DeFord – In a manner similar to what you just said, you need additional time to be able to plot that to see where it might fall. Sam Phelps – Yes, I would. Don DeFord – Did you have a chance to look at the Nineteen-ten

(1910) County Road Map? Sam Phelps – That is the colored one that you were referring

to? Don DeFord – Yes, Fred's putting it up on the overhead. Do you

have a copy of that document, I believe. Sam Phelps – Yes, I do. Don DeFord – Does that type of document assist you in locating roads? Sam Phelps – Yes, we have a general idea of where roads may have been, but there's not enough specific information on here to determine an exact location of a road. Don DeFord – Based on your experience with old County Road Maps, uh, using this map of old, could you locate and plot a County Road? Sam Phelps - Not using this map alone, no. Don DeFord – And have you had a chance to even look at the Nineteen sixty-two (1962) uh, gas uh company type land location maps? Sam Phelps – Yes, I have. Don DeFord - And did you also see on there at least a statement that it purports to identify a County Road? Sam Phelps – Yes that is noted on there. Don DeFord – Have you had an opportunity to see if a the road is

portrayed on that map actually coincide s with a legal description for a County Road that you might otherwise knowledge of? Sam Phelps – I think the location depicted on here would follow more along the location that was deeded in Nineteen thirty-two (1932).

Don DeFord – You're referring to the deed from Busk-Ivanhoe to the County. Sam Phelps – Yes. Don DeFord - That's the Midland Railroad right of way? Sam Phelps – Yes, it is. Don DeFord – Have you had a change to actually verify that

yet? Sam Phelps - No, I have not. Don DeFord - That's all I have for Sam other than what the Board may have. Chairman Martin – All right. does the Board have any questions at this time? Commissioner Stowe – Sam, to verify these actual surveys,

you'd have to have permission to go across the Prehm Ranch and actually talk to them if you needed some information and that, for some reference. Sam Phelps – To ascertain the exact location of the existing road and whether that is indeed the location that is depicted in these deeds, I would need to be able to access the property and conduct a survey of the existing road. Chairman Martin – All right. No other questions?

Commissioner McCown – One thing. Sam, what do you think, what kind of time would you be looking at to comfortably research these items that you could answer Don's questions that you previously answered, you had not had time to research, um, the Eighteen eighty-eight Map (1888), the Nineteen-ten (1910) Map, uh, the Sixty-two (62), the Eighty-five (85) Road Viewers' Report, what are we looking at? Sam Phelps – If I could have uh at least two (2) weeks to sit down and take a look at this information, that would be beneficial. Commissioner McCown – Okay. Thank you. Don DeFord – Sam, thank you. Uh, the next

person I'd like the Board to consider is Dean Hubbell. Dean, would you come forward please. Don DeFord – Dean, would you first identify yourself and My name is uh, Dean Hubbell, I'm the owner and operator of Commonwealth Title in Rifle. Don DeFord – At my request, did you perform certain title examination tasks in regard to the Nineteen zero-two (1902) deeds to the County from Hardwicks, Chapman, and others? Dean Hubbell – I have. Don DeFord – Okay. In regard to uh, first of all, the Westbank Ranch uh, have you been able to form an opinion as to what the state to a County right of way on Westbank Ranch as described in the Nineteen zero-two (1902) deeds may be. Dean Hubbell – I have. In uh, let me find it here. There's a deed recorded uh, in Nineteen fifty-nine (1959), Book Three twenty (320), Page Three ninety nine (399) wherein Garfield County specifically conveys to uh a Mr. Gambrel uh, the exact deeds referred to back in Nineteen zero-two (1902). In the deed from Garfield County to Gambrel, he

specifically identified both those deeds by book and page. Don DeFord – So for title examination purposes, are you satisfied that the County relinquished all interests in the road as described in the Nineteen zero-two (1902) deeds. Dean Hubbell – I am. Don DeFord – All right. I also asked you to take a look at the first of all on Westbank Ranch uh, issues concerning the Midland Right of way; did you have a chance to do that? Dean Hubbell – I have and what I found was in June of Nineteen twenty-one (1921), A. E. Carlton as receiver of the Colorado Midland Railroad conveyed to the then owner a Mr. Rigne what appears to be the right of way of the Colorado Midland Railway. Don DeFord – In regard, first of all to Westbank Ranch uh, have you been able to search to see if you could find any other transfers, deeded transfers of property to the County for a County right of way? Dean Hubbell – We did undertake that and we did not find any other conveyances. Don DeFord – Other than the platting of Westbank Ranch, is that ... Dean Hubbell – Correct. Don DeFord – Okay. Were you able to find any other deeds other than the Nineteen fifty-nine (1959) deed that transferred County rights of way back to private individuals? Dean Hubbell – In terms of Westbank Ranch. Don DeFord – Yes, just Westbank Ranch. Dean Hubbell – Uh, no, that was the only conveyance I found. Don DeFord – In terms of vacating Resolutions, were you able to find any recorded Resolutions vacating any account of right of ways over Westbank Ranch? Dean Hubbell – I did not. But the method that we have to use prior to Nineteen fifty-four (1954) is a Grantee/Grantor type search. Oftentimes unless the vacation ordinance is tied to a specific landowner's name, you will not be able to find that type of a document in the Grantee/Grantor Index. Chairman Martin – And that's prior to Nineteen fifty-four (1954). Dean Hubbell – That's just because of my internal plan; beyond Nineteen fifty-four (1954) we have indexed documents according to legal description. But for my purposes from Nineteen fifty-four (1954) previous to Nineteen fifty-four (1954), I must rely on the Grantee/Grantor Index and that index is not always reliable to be able to find vacation ordinances. Don DeFord – When you're looking for a vacation ordinance in the Grantee/Grantor Index, just generally describe how you do that. Dean Hubbell – there would be two (2) ways that you'd want to do that, number one (1) of course you'd want to look under the Grantee/Grantor side both of the landowners name uh, the less desirable way to do that would be to actually run the Board of County Commissioners names, which is really an overwhelming task and it would just be too time consuming to look at every Resolution to see if it's the one that you're looking for. Don DeFord – So you haven't actually looked at every Resolution then. Dean Hubbell – No, sir I have not, nor do I think I ever will. Don DeFord – Now, in regard to the Prehm Ranch property, I have pretty much the same questions. In regard to the Nineteen zero-two (1902) deeds, you viewed those deeds as they relate to Prehm Ranch, didn't you. Dean Hubbell – Yes. Don DeFord – Did you find any transfer similar to the one for Westbank where there was a deed transferring that right of way back to landowners of Prehm Ranch? Dean Hubbell – I did not. Don DeFord – Did you find any Resolution vacating the Nineteen zero-two (1902) right of way as it fell across the Prehm Ranch property? Dean Hubbell – I did not. Don DeFord – Good. In regard to Prehm Ranch, did you find any deeds transferring any County right of way back to the owners of the Prehm Ranch? Dean Hubbell – There is a deed that was recorded in Nineteen thirty-three (1933) and it's from a Busk-Ivanhoe Company to Garfield County. What it purports to convey it the Colorado Midland Railroad. However, I cannot find a connection between the Busk-Ivanhoe Company and the Colorado Midland Railroad. Don DeFord - Did you actually search for that connection? Dean Hubbell – Yes I did. Don DeFord – Have you had sufficient time to determine whether or not you could locate that transfer? Dean Hubbell – I have and I cannot find a connection between the Colorado Midland and Busk-Ivanhoe that would make that Nineteen thirty-three (1933) transfer a valid transfer. Don DeFord – All right, thank you. The last question I have Dean is just a general one, in regard to any documents that affects title to property, if a document is not contained in the Grantee/Grantor Index, how to you treat it for title examination purposes? Dean Hubbell – Well, if you can't, it's my understanding that the Case Law holds that, if you cannot find a document by using the Grantee/Grantor Index, that then the validity may be attacked. Don DeFord – All right, thank you. Those are the only questions I have for Dean, does the Board have any or not? Commissioner McCown – Do you need additional time Dean to research time any of the items that the County Attorney has requested you to research? Dean Hubbell – Uh, I would like to have a little more time to deal with the Midland Railway issue. I've uncovered as many stones as I could in the time-period that I had, but there might be a few more that we could go out there and see what's

underneath them. Don DeFord – I do have one additional question I forgot to ask Dean. Chairman Martin – All right, go right ahead.

Don DeFord – Have you had an opportunity to search the title on Prehm Ranch to see if you can locate easements for a gas pipeline that may run across that property? Dean Hubbell – I found those easements but did not examine them in any manner and I have no idea what the contents of those are, because those were not the subject matter of what you wanted me to search. Don DeFord – That is all I have. Chairman Martin

- Other questions? Commissioner Stowe – Other than a desire to maybe to explore that gas easement to see if that is tied to an easement or was it just assumed on the County Road as opposed. Dean Hubbell – I'm sorry. Commissioner Stowe – Do we need, I would like to know if Prehm Ranch actually granted an easement for that gas line or if it was just put through there on the basis of the existing County Road, and it's something you can determine for us. Dean Hubbell – We can determine that.

Don DeFord – Thank you. May Dean be excused? Chairman Martin – Yes, he may. Thank you very much.

Don DeFord – I think I've covered the items that the Board asked me cover for today's hearing and I have nothing else unless the Board has questions of me or other information you want us to develop. Chairman Martin – Thank you gentlemen. Any other items you'd like to request outside of Don at this moment. Also, I'd like to make sure that we have a copy of all Exhibits both for Mr. Neiley and for the Homeowners Association to review. I'd also like to have at least two (2) copies for the public to review on the end of the tables. And I'm going to call on their honesty to leave them there so everyone can go ahead and review them if that's possible. I know that it'll take time. Don DeFord – Yeah, I don't believe we can have all of those copies, maybe by the close of business today, that might be.

Chairman Martin – If not, we'll go ahead and allow what has been taken as public documents to be displayed maybe at Mildred's office on request, if that would be all right. That way everyone has a chance to review everything that we're talking about and take it from there. Mr. Neiley, do you have anything that you'd like to add to the proceedings.

Rick Neiley – I have a brief comment right now and I prefer to reserve my comments regarding the issue until after public comment has been taken. A comment for this moment in the proceedings is that on January Twenty-fifth (25th), 2002 we entered into a Stipulation Settlement with Garfield County which has been entered into the record here today. That Stipulation of Settlement promised us a fair public hearing process with respect to our land use applications and with respect to this proceeding regarding the vacation of any public rights of way or public roads through Prehm Ranch and Westbank Ranch. There was a fair, complete, open and concluded public held April 8, 2002 regarding those matters. This Commission entered Resolutions approving vacation of the public rights of way or claimed public rights of way through Prehm Ranch. In reliance on those approvals, many many things have transpired since the Eighth (8th) of April 2002, which I'm sure your counsel has advised you of our position with respect to. On July Twenty-six (26), ²⁰⁰² this Commission held an Executive Session at which time Commissioner Stowe made a motion that withdraw our conditional approval and I'm reading from the Minutes of that record of that meeting, that withdraw our conditional approval of the vacation of the public road easement that is through Prehm Ranch and the Westbank area. I came in to this hearing today, hearing that was scheduled today that was scheduled and planned by this Commission on July 26, 2002, I came in here asking since last week of any documentation that the County intended to rely upon for purposes of discussing potential public rights of way, residual public rights of way or even the vacation of public rights of way through Prehm Ranch. I've been provided not one document; today numerous detailed technical exhibits have been presented. In addition to the evidence that we view the July 26, 2002 meeting as presenting, is that there's already been a foregone determination that the County does not wish to proceed with the Stipulation of Settlement. I cannot possibly conduct and participate in a fair hearing today based upon the information that the County has provided today, information which the County has been reviewing since the Fall of 2001 and which should have, in fairness and in good faith been provided to us so that we could review and comment upon. I will not comment on any of that information submitted today, because I would not be adequately prepared and could not adequately represent my client in the context of this hearing. We object to this hearing in general. We entered into a Stipulation with this County; the integrity of this governmental body is on the line with respect to that Stipulation of Settlement. Many people have relied on it, many to their detriment. This County has issued building permits, has issued access permits and has proceeded itself in rezoning our property based upon those hearings that were held on the 8th of April. It is improper for this Court, or for this Board to go forward today, there's no one in the public that can suggest that the April 8th hearing was not fair and was not complete. I personally met with the Assistant City Attorney of the City of Glenwood Springs in advance of that hearing and discussed the vacation issues. Although the public and this Board may like a second opportunity to reconsider the Settlement that was reached in January of this year, this is

not an appropriate forum for that to occur at and uh it is prejudicial both to the process of government in the public hearing process itself but to the interest of the Marlin and Westbank and Ms. Cantrell in connection with the agreements that were reached upon which they have relied. I would like to reserve comments regarding exhibits, I have additional exhibits to present, uh until after we have heard the additional public comment that I anticipate this Board will allow today. Chairman Martin – Thank you Mr. Neiley and your objection is noted, also you will be supplied all the information, I'm sorry that it hasn't been forward, that's why I asked it, and also that is why we wish to allow you to comment on those and it may take extra time for you to review everything as well as the exhibits that you may present to us for a determination. And again, there probably will not be a final determination today. But we have to review all information and we feel that's fair. So, Homeowners Association, anyone speaking for them, ah, we have a reserved seat for you Steve. You can have a lapel mic; we can wire you right up there. Chairman Martin – Unless there are other questions or comments from the public.

Don DeFord – We can leave it if you wish, we're just asking. Chairman Martin – I think that we need to just leave it at the present time. My name is Steve Beattie, I'm an attorney, I'm a resident of Westbank Ranch Filing Number Two (2), Zero zero seven four Fairway Lane, uh, the Board has asked to uh make a presentation to you. Ah, in part for your benefit and in part for the benefit of those listening in the audience, we believe that's it's appropriate that we make this presentation because in fact the proceeding you're considering today is uh a co-petition uh of Westbank and Marlin uh, both those entities filed this petition with you to vacate whatever rights you may have uh in public roadways that traverse Prehm Ranch and traverse Westbank Ranch other than of course to four existing roads within Westbank Ranch. Uh, there's been a great deal of public, expressed public sentiment since your decision on the fourth (4th) of April, and uh, the Board finds itself in a difficult position obviously since a good portion that express public sentiment comes from some members of Westbank, uh, so as the use to address in valued debate in high school, which my son was involved in, they'd always say, express your core values, and at this point I guess I'd like to address the core values of Westbank and go from there. Westbank was plotted in the early Nineteen seventies (1970's) uh in three (3) plats as a rural residential subdivision uh, at the first, uh, the first plot, uh the first plat was recorded in January of Nineteen seventy-one (1971) and the plats for Filing Two (2) and Three (3) following shortly thereafter. At the time of that platting, starting in Nineteen seventy-one (1971) there was in fact no public road that traversed through Prehm Ranch into Westbank Ranch or vice versa. In fact there was the old Midland Right of Way, and was highly overgrown and was not traversed really by anyone during that point and time. Uh, even before that, my family came to the area in Nineteen fifty-three (1953), which was actually two (2) years before Elvis entered the building, as I recall, two (2) years before the Brooklyn Dodgers won the World Series and the same year that Ike took over from Harry Truman. And there was no road through Prehm Ranch to Westbank at that time either. My father drove a propane truck through there and Lamar Podbevsek has given you information on that. Uh, so that everybody knows in looking closing at old Nineteen zero-two (1902) deeds, or Eighteen eighty-five (1885) uh Road Viewers Reports, for the past Fifty-years (50) at least, there was no road through Westbank into Prehm and vice versa. The fundamental core value for the Westbank Ranch Homeowners Association throughout these proceedings uh has been to maintain the character of the neighborhood uh as it has been since it was first opened up. The character of that neighborhood has been one entrance that you get to coming in uh through the Hardwick Bridge, there are four (4) dead-end roads within Westbank and there's been no through traffic through Westbank. Uh, we first dealt with this Commission on this issue when Marlin filed its application for a driveway permit in January of Two thousand one (2001), some Eighteen months (18) ago or so. Our Association opposed that, the Commission denied the driveway access permit. Uh, our Homeowners met in April of that year, Two thousand one (2001) and uh voted to uh seek a vacating of a little squib on the plat for uh Filing Number One (1) where dash lines showed a road easement. We came before the Commission in August Two thousand one (2001) and uh after a full public hearing, the Commission did in fact elect to vacate that squib, that public right and any public rights that existed, uh from the end of the cul-de-sac at Oak Lane into Prehm Ranch and in so determining, uh the Commissioner determined that there was no public interest in the road ways through that area. The uh interestingly uh that proceeding was done relevant to Marlin and its attempts to uh seek access through uh Westbank Ranch but nevertheless, uh, uh the effect is that there is no right from the end of uh Oak Lane cul-de-sac into Prehm Ranch. Uh, I think it's important to know, as you well know and some members of the audience do, both the County and Westbank filed a lawsuit against Marlin in September of Two thousand and one (2001) because they had punched a roadway through there. Uh, after many pleadings, after long settlement conferences and after long negotiations it became clear to Westbank's Board and many members of Westbank that in the first

place Marlin, as the successor of the Prehm family, might well be entitled to access through that direction. That long litigation would take a long time to uh conclude and that the results were uncertain, that it would be expensive and probably the biggest single factor leading Westbank to decide to proceed with a settlement, is that the County itself, through its resources, County Attorney's Office, the County Surveyor's Office had discovered the existence of some ancient claimed public rights through Prehm Ranch and through Westbank Ranch. Uh this was something that Westbank hadn't known about, so far as I know Prehm Ranch hadn't known about it, but because of the emergence of these potential claimed public rights going back uh to the beginning of the prior century or into the century before that, Westbank felt that it would in its interest to seek a vacation of whatever, of the specter that we have a Four Mile Road and a Midland Road coming right down Westbank, Westbank Road, which is a rural street the same as most of you live on rural streets and didn't seem like a good idea to have a County Road coming right down through the middle of our subdivision. So we joined Marlin in seeking uh a vacation of whatever rights the public might have had more than a century ago, whatever time that road was ever discontinued, and I don't know when it was, it was more than Fifty-years (50) ago. Uh, and Westbank still has the same concern today that it had at that time. Now, uh, I really would like to address what I think a lot of the focus is. So far as I know, there's not one resident with whom I have spent, spoken at Westbank or read about that any objections to the concept of pedestrian trails and bicycle trails. To disagree with those concepts would be to disagree with uh, a clean water, clean air, legitimate motherhood and the like. Uh, it's hard to disagree with a uh bike trail. I would like uh go on record here as telling you that if there is anymore ardent public recreation person other than I am, I don't know that person. Uh, I have ridden mountain bikes extensively and I enjoy riding mountain bikes very very much. I have ridden Silt Mesa, and the Flat Tops and Four Mile Park and the Glenwood Springs Canyon and the Trail to Aspen, the Cape Cod Rail Trail and many other places here and there. And I love having the opportunity uh to ride a bicycle through pretty places. One aspect however, that has never been focused on in all of the discussion and certainly will be in this meeting, is that no one has said that if there are public rights through Prehm Ranch for pedestrian and bicycle, equestrian, uh, other similar kinds of non-motorized uses, then what happens after that. Where does it go after that, well it has to go into Westbank somewhere? Uh, we may the inquiry as to what would happen at that time where the trail came into Westbank. Uh, and uh, we asked three (3) people and got three (3) answers. Jeff Houpt – I'm sorry not Jeff, the Cole Hanlon, the deputy uh City Attorney said well, "we don't, the Trail Commission doesn't like paths that go right through the middle of subdivision, people don't like paths that go through the middles of subdivisions, uh, it's not the prettiest place for paths to go, uh, we're right at the beginning of this exploration, we'd like to look at a trail that goes down uh along the river, which uh, uh, uh would be consistent with our, our current goals, or maybe one that goes up above the houses, which is a good thought, the only problem being that there's no rights to trails through either of those locations." Uh, this is second level hearsay but from John Haines told us at that he and Walt Stowe talked about, uh where will this trail go. Well our, our Westbank Road right of way uh is certainly wider than the Twenty-two to Twenty-five feet (22-25') that uh, that the pavement encompasses and we can just put a Ten-foot (10') bike path right down one side or the other of that road. Of course that approach causes a certain amount of concerns as well, uh because uh, uh, to do that, there's, there's the old phrase nimbi and none of likes nimbi, as in not in my back yard but if it's nimfy, not in my front yard, uh, to take Ten-feet (10') of people's front yards, their entry ways, their uh mail boxes, their architectural features, there architectural features are sprinkler's systems, uh that, that causes a concern to Westbank as I'm sure that you can understand, that, that people's yards, this is over half the homes in Westbank would be affected in this way. One other inquire was Al Cippo and Dave ah, one of the City Councilman and Dave said, "well I assume they just get into Westbank and you drive down the road, what's a few bicycles anyway." Well, my, our agreement uh at Westbank with Marlin was that uh increased traffic on the Westbank Roads would be limited to Twenty-seven (27) vehicle trips a day, averaged over a two (2) month period and Commissioner Stowe's motion establishing a condition that by gosh when uh that access was exceeded, da, uh, the uh, the gate would shut down and they couldn't have any more. We don't like increased traffic but that seemed like a reasonable amount to deal with. I was in on the Glenwood Canyon uh, bike path a couple of Sundays ago and there were Twenty-seven (27) bicycles that was going by in a peak minute. And that's great, it's wonderful that they have the bike rental shops and it appeals to people and the City of Glenwood Springs promotes bicycle paths, it's a good thing, but uh, there is no doubt in my mind, and other may disagree, having ridden the Cape Cod Rail Trail, the uh, the un uh the local ones, that well promoted the Glenwood to Aspen bike path through lovely Prehm Ranch along the Roaring Fork River uh would have hundreds and hundreds of bike trips on peak days and whether you put it in the middle of Westbank Road

or whether you put it down at Ten-foot (10') strip alone Westbank Road, a profound impact on the people at Westbank. So this is a concern that we have, we're certainly not saying, don't explore these ideas, they are wonderful ideas to explore, but absolutely don't do it blindly without making some decision as to what you're going to do and where it's going to go, and how it's going to affect people. Now, I, I, don't want to go on a lot, I do want to address a concern that Westbank has about the efforts that the County has gone to in attempting to establish, after the hearing that Mr. Neiley alluded to before, all of the ancient public rights that uh, uh the County may have. I think it's fascinating that we're looking at Eighteen eighty-five Road Viewers Reports and Nineteen ten (1910) surveys, pardon me, the fact is that the County Road Map of Nineteen seventy-six (1976) shows no County Road One sixty-three (163), uh, it shows County Road One sixty-three (163) ending at uh the Prehm Ranch gate and County Roads picking up again in Westbank. It shows an opening in there. I have no doubt that there were County Roads and County Rights of Way at some point in time uh, the thing is that the County taken numerous actions over the years to ah, ah indicate that it no longer claimed those roads and people sort of relied and families and built homes and uh plotted subdivisions and so forth in reliance that the County wasn't going to come along at some later time and say, little surprise for you, we have a County right of way that goes right through the middle of your subdivision. Uh, those actions include the, never argue one with Mr. Prehm when he shut down the County Roads, if that's how it happened sometime in the Thirties (30's) or Forties (40's) or early Fifties (50's) or whenever it was. Uh, if the County intended a public road through this area, it wouldn't have deeded back to Harold Grambel back in Nineteen fifty-nine (1959) the uh, uh, the uh deeds it had received in Nineteen zero two (1902), that was an action of the County saying, we now traverse ah up the Roaring Fork River by way of uh, roads on the other side of the river. Ah, we regard it as private, there's not need for us to keep it. There's, there is no continuous thing established there. Um, I did want to point out the deed, the Nineteen zero two (1902) deeds and I'm not sure if it was clear from Sam's description or not, there is a Seven or Eight hundred-foot (700-800') strip in there between the two (2) alternate routes that he plotted for those old Nineteen zero-two (1902) deeds in the beginning of Westbank, that was owned by the government, it was Government Lot Number Twenty-nine (29). Walk up at some point and time and see there's no road plotted through there so there's not a continuous right of way owned by the County by virtue of that. Uh, the Nineteen seventy-six (1976) County Road Map indicating that the county no longer has a county road there, and in, what about plats, you know, people, people plat properties without a showing of public roads on them, and I, I don't think I'm just talking about Westbank Ranch or Prehm Ranch. What about the subdivision that you live in with this kind of a study, is it feasible that uh, the County can find public road right through your subdivision and establish those rights later, it's a real concern, it's a real concern for Westbank. Westbank, not as I say for the second time, oppose in any way bikes, public trails, you know, they, they think it's a fine idea but without evaluating it's ultimate impact on Westbank Subdivision, uh it's, it's something that shouldn't proceed without careful evaluation of that. In terms of the hard legal rights, uh the County has abandoned whatever interests it had uh, in those ancient public rights. There's not one person in this room that moved to this area in that they could go through Prehm Ranch and Westbank Ranch on their way up to, on their way up to Aspen, not one, because there haven't been roads for anybody's lifetime out there. Uh, there are lots of people who bought in Westbank Ranch, I mean second generations, Brian Radke lives in his parent's house, he's got these nice architectural pillars would have to be torn out if you put in a bike path through there. I live there and my dad lived there. A lot of people have relied that these isn't this kind of access through there and it would change the character of the neighborhood we fear. Uh, finally, I just want to pose uh, uh two (2) questions with the focus on non-motorized access. Uh, the article in yesterday's Glenwood Post, we're looking at non-motorized access, the County has no jurisdiction over trails, as far as I know, and I think I've talked with the County Attorney about this. If the County is to assert public rights through the Prehm Ranch and the Westbank Ranch, it's road right. And this is a question I really seek the answer of the Commissioners on during the course of these meetings, uh if any public rights should be purportedly established through here, is the County prepared to absolutely commit uh, that those rights would be vacated down to only a bike of would the County retain those claimed rights and would Westbank be dealing with the specter of a public road from Four Mile or through County Road One sixty-three (163) or elsewhere. Very important question to have addressed. Questions number two (2) needs to be addressed, what is it about this bike path, where does it go exactly, and whose property does it affect exactly. My third (3rd) questions is that I really do wonder at what point the public may rely on decisions in uh, April of this year, the Commissioners did in fact uh, approve the Amendment of the Westbank and Prehm Ranch Plats, those Resolutions are recorded in the public record, they approved a driveway permit for Ms. Cantrell to built on Lot Twenty-two (22) that

depends on that entry and why a two to one (2-1) vote approved the vacating of these public rights. And Westbank is not taking a position as such at this hearing except to say, uh Westbank would like to minimize the impacts of public access on it's subdivision as it has existed for Thirty-years (30) and we'll hope that you'll uh consider that carefully. Thank you for your time. Chairman Martin –To answer your first

questions, in Nineteen sixty-three (1963) that the County of Garfield through Resolution a recreational district and that is also on record as well so that we could transfer and use such things, ectiera but the, the Board is not sitting at this, that would have to be reactivated so that issue could be resolved. But again, today's uh meeting is about a vacation or information and not a trail, but thank you for all that other trail information. Thank you. All right. Do we have any other referral agencies, City of Glenwood Springs that would like to speak? The Trails Board would like to speak. All right. Any other referral agencies? Okay. If you'd identify yourself. My name is Jeff Houpt, I'm on the Glenwood Spring River Commission, my home address is zero zero four eight (0048) Sun King Drive and I have a business on Twelve zero four (1204) Grand Avenue. Uh, The Glenwood Springs River Commission was established uh for the purpose of advising the City Council on matters related to the two river, I'm sorry, to the two (2) rivers that converge in our City, uh, and specifically with respect ways in which we might restore, preserve and enhance those rivers. In the uh, early Nineties (90's) the City adopted a Comprehensive Master Plan for accomplishing those goals. And one of the primary strategies of the Master Plan was to uh create a system of trails along the River corridors in order that we might bring people a little closer to the rivers uh, help education about the roles about the rivers play in our City and our environment. In the past twelve years (12) the City's been successful in uh created a fair bit of that trail system, we've acquired easements along the river corridor which didn't exist previously, we installed several miles of river trail along both the Colorado and Roaring Fork Rivers from Two Rivers Park basically to the point near the Sunlight Bridge uh, and we have plans and have acquired our considerable of easement working our way south beyond Sunlight Bridge uh as far as the south end of the Airport at this point, and we've funded that and are ready to begin construction as soon as we acquire the last couple of easements that we need through a couple of critical locations along there. And that brings me to the major point I wanted to raise with you this morning. Uh, and that is our experience in trying to basically retro-fit a trail through areas that have been approved for development and in which as Steve mentioned have bought and established their homes and so forth. Uh, We have been able to acquire some of those easements from willing sellers and we've paid for those easements. In other situations we have been acquired those in the context of land-use approval, somebody doing a subdivision or something, we've requested that uh they provide us with access and easement for a trail. Un, and of course, the other opportunity that uh a Municipality or any other government for the most part has, is to condemn such, an easement. The City has chose at this point not to take that approach with reluctant land owners, but to try to work with them. Uh, had the City been able to predict uh prior to the early Nineties (90's) that it would put in a river trail system of this sort, I think that it could have been much more successful and accomplished with a lot less controversy and a lot less uh financial commitment and time had it, uh acquired those easements in the course of land-use approvals. It's the process of going back and trying to retro fit that's proven to be quite difficult for us. The lack of an easement even through one short section of property, one lot along the Roaring fork River can uh prevent the entire uh rest of the trail from being constructed and used. The Prehm Ranch in this situation obviously provides you with an opportunity to retain, if it remains there, a critical link along the river corridor from Glenwood's Trail System to County Road One zero nine (109) to Westbank to Rose Ranch, Aspen Glen, Coryell Ranch and all the residential development that is appearing along that corridor. I don't know personally whether the County continues to own an easement through there or not, but based on our experience trying to retro fit out system into Glenwood Springs, if there is a kernel of opportunity to retain an easement through that property for the purpose of non-motorized traffic, I think our Commission is strongly encouraging you to follow up on that kernel of opportunity and not to uh vacate it or otherwise give up on it because all of the other pieces of the puzzles have not been laid out and put together. Steve makes a very good case for the problem of trying to go back in and provide people with recreational opportunities through areas that have already been established and perhaps established in reliance on there not being something going through there and certainly we do not uh come to you with solutions for what happens to the trail if one were to be put there, once it gets to the Westbank property. What we are suggesting to you and strongly I hope is that we not give up any easements that we may already have uh and to the extent that we may need to work with people along the route to make a final connection we should do that. But we should not give up the opportunity to retain whatever easements we might already have. As you probably are aware there was a group of folks

last Thursday who attempted to go down and take a look at the asset that we're talking about, many of them expressed a desire to be here today but could not for scheduling purposes and asked us to take names in support of the position I just laid out. I agreed to do that on behalf of the River Commission and uh I have those names for you here and I would be glad to present them if you'd like to take that as an Exhibit. Chairman Martin – We'll take those. We'll put an Exhibit Number on that as well. Mildred Alsdorf - Exhibit double I (II). Chairman Martin – All right, thank you very much. Jeff Houpt – Thank you very much for your time. Commissioner Stowe – As part of the River Commission, Jeff, do you consider yourselves with the health of the river also, or just the trails. Jeff Houpt – Yes we do. Commissioner Stowe – And you're aware of this extent that

Prehm Ranch Developers have gone to increase the health, the fish, and the habitat within the river itself?

Jeff Houpt – And we commend them for that. Chairman Martin – Any other questions of Jeff?

Commissioner Stowe – Your trail system before you became

aware of the possibility of going through the Prehm Ranch, where was it intended to go?

Jeff Houpt – Well, we've gotten about as far as the southern City limits right now, uh, there's been a number of different uh advances southward that have considered, one is along the railroad corridor, there's a possibility of putting a bridge across the Roaring Fork at the south end of the Airport, one possibility would be to take the trail on over to the railroad corridor at that point and connect up with what sort of trail system goes through that parcel. We have been aware for uh quite some time that there was at least a possibility of a connection along this route and that's probably the other uh major direction we were headed but we had no specific plans for going through there.

Commissioner Stowe – So at this point you kind of abandoned the railroad corridor possibility or is that still in the works. Jeff Houpt – No, that still remains a possibility.

Commissioner Stowe – And my final question would be where you at the April hearing when this could be have been brought forth that you had an interest in this as a trail, I've never heard of it until the newspaper articles starting to appearing a couple of months ago. Jeff Houpt – Well, I think uh we were uh the matter was brought

to our attention much earlier than April uh by somebody else uh who had raised it and our intention was to provide you with a letter, as I understand it uh there was some sort of internal mix up at the City and the letter did not go out but the Commission thought that they had provided with input on that. Commissioner Stowe – Well, I appreciate your answers, thank you. Chairman Martin – Any other questions. Thank you. Jeff Houpt – Thank you. Chairman Martin – Any other referral agencies? John Hoffman – I'm speaking for the Carbondale Trails Committee. Honorable Commissioners, we're lucky to live in such a special place, we have the beauty and history, we have community that worth protecting and enhancing. And I know I don't need to remind you that the duty of office is to serve the healthy and well being of the County and preserve and approve our assets. That obligation must face you every morning when you wake up, pleased to be in a place that's in an environment free of pollution and social strife. Our priorities and expectations can be lowered easily enough, just take away one thing after another and we find our selves fighting to maintain less and less. The flush open fields don't perfume the air anymore or least it's not brown and sticking of industry yet. But I can't help wonder what turn of events would have ever made us consider giving away an asset like this right of way that could connect our communities in such a wholesome manner. The only reason would be that perhaps you were making that decision on wrong information. Let me tell you why I'm working hard to connect paths in our valley. Paths create community, you define our roots and you define our lives. The fishing trails are an asset to any community, the ability to travel on pleasant safe paths enriches us, parents feel better about their children traveling and we're more likely to venture out of foot if we have same paths to venture on. We might note that all upscale developments increate path system to create value on their properties. With development comes population pressure. We see a constant increase in traffic and its associated pollution. roads become increasing unsafe and odious to traffic on foot and it's your job to reduce those impacts. Gasoline will also increase in price, I think eventually it will become expensive enough that people will look for alternatives to automobiles for commuting and that make efficient bike routes a necessary component to our demographics. We need to need to encourage bike-pedestrian usage as a vital factor for creating a clean, responsible and sustainable society. The travel to Westbank to the Rodeo Grounds now is a drive of about Eight (8) miles; it'd be a walk of Two (2) miles if you went straight through. A system of bike paths is being put in place throughout the valley and beyond and we hope that the end product will be a network of efficient, pleasant, safe and plate routes to travel. It's your duty to look ahead and make these connections possible. Goodwill is the most valuable resource to cultivate in any population. Exclusiveness and closure will always generate hard

feelings. The choice is ours, the misunderstanding and resentment that's shutting gates or the goodwill and the neighborliness of free flow. You may not be the this is the time to cash in on the wealth that this right of way means to the community by turning it into a path. But don't give the potential away. Sell the property if you must, but then use, it's your duty to take that money and turn it into a path that serves the exact same purpose of connecting Glenwood with the world to the south on that side of the river. If you based your decision to vacate on bad information, you have no choice but to reconsider and decide for the people of the County and not for Private Enterprise. What will our legacy be, a better place for all of us to live or a valley marked with exclusive privilege. Thank you for your attention. Commissioner Stowe – John, the Carbondale Trails Commission, outside of the City Limits of Carbondale do you normally work, are you working with the whole valley, Glenwood Trails Group and where are you at? Your sphere of influence, how far do you try to work? You call yourselves the Carbondale Trails Commission, are you normally looking at the entire Roaring Fork Valley or to extend out towards Rifle? Do you work with work with other groups? How do you work as a Commission? What geographic area do you cover? John Hoffman – we're working with the Glenwood Springs

River Commission, we're working with the Mid-valley Group, we're working with Lova, we're working with RFTA, we're trying to get up towards Catherine Store and up into Emma and we're trying to get down to Glenwood. Commissioner Stowe – So you interface with a lot of different Commissions. John Hoffman – A lot of Commissions to connect. Commissioner Stowe – Prior to, how long have you been aware of this possibility for a trail connection through Westbank and through the Prehm property?

John Hoffman – Actually, I've only been aware of it personally for about a month now, a little bit less. The Glenwood Springs River Commission came in after the facts uh and it wasn't until you had an opportunity, thanks to John Martin's hard work to reconsider here that we were made aware of the original vacation.

Commissioner Stowe – Do you still consider the Rail Corridor as a viable path. John Hoffman – Yes, we do. Commissioner Stowe – Thank you. John Hoffman – I have a, I took the opportunity of printing up a little map of the area Chairman Martin – As an Exhibit? We'll go ahead and admit that. Mildred Alsdorf – Double J (JJ). Chairman Martin – Thank you. We'll need also to supply to Mr. Neiley and the Westbank Homeowners Association. There's only, what, three (3) copies? All right. Did the City of Glenwood Springs arrive? Are they going to have anything? Chairman Martin – We're going to call it back to order. We're going to call our first citizen. Mildred Alsdorf - Marlene Manyon Chairman Martin - Okay next.

Marlene's not here. Mildred Alsdorf – Tracy Houpt. Chairman Martin - What we want to do is to uh, speak our point of view, no cheering, no leering, no booing, no throwing things, everyone on their best behavior. And we'd like to keep it, uh as short as we can, uh, Walt are you going to keep time? You're going to do a Three (3) minute of time or so, if you need some time, we'll try to be lenient but try and keep it within that time frame. We'd really appreciate it. Tresie Houpt – That's fine, and we appreciate that, I know you have a lot of people here today. Uh, at this point evidence indicates that there is a county road access through Prehm Ranch and if allowed by the Courts to open this up and change your vote, I certainly would encourage you to change your position on vacating this County Road, which I see as a really valuable County asset. And I encourage you to do so uh for several reasons. I'd really like you to look at the value of this asset, not only in terms of a monetary value which is apparent with any piece of property, whether it's a strip or a different configuration. But for future use and I'm not talking about an alternative access route from Glenwood Springs, but for uh an opportunity to extend a bicycle and pedestrian route through the Roaring Fork Valley from Glenwood Springs to Carbondale. I know that you've looked at bike routes in the past, I know that it is a discussion you've had and certainly the neighboring communities of Carbondale and Glenwood Springs have been working diligently to expend routes. I see this as a real opportunity for partnerships to sit around the table with the developer of Prehm Ranch. To sit at the table with the Westbank folks and with the neighboring municipalities to really look at what would work for everyone and what would be a win-win situation for everyone. I agree with comments that have been made about the cultural of this area, people do want uh wholesome recreational opportunities and I think it adds to property values, I don't think that trails detract from that. Uh, if you're not allow to change your vote, I certainly hope that you'll use this as a learning opportunity. I can't think of a time when it is appropriate to vacate a County public ally owned asset for no consideration from the other parties involved. So I think it could be a sad lesson learned but certainly that opportunity and hope you'll have the chance to change your vote and sit around the table with all of the parties and come up with a really viable solution for everybody and use that trail or at least a particular trail, you don't have to use the particular road that is cut through at this point. Thank you. Chairman Martin – Thank you. Any questions of Tracy? Mildred Alsdorf – Heather McGregor – Hello ladies and gentlemen, I'm Heather McGregor, I'm the managing editor of the Glenwood

Springs Post Independent and my address is Sixty-three (63) Airport Road in Cardiff. Well, you've asked a few people where were you in April and I didn't come to your hearing but a day or two before hand I wrote a editorial and we put it in the paper and I urged the three of you to uh not concede the road and to make sure that you did maintain a public right of way for a trail through the Prehm Ranch. I hoped that you would do that, you saw otherwise and I want to commend you for trying to probe this issue, it's so complicated and I don't fully understand all the old roads and surveys and all that stuff, but I think it's very much worth your while to explore this right down to the nib because this is a very important access for people of bicycles and people walking. So my message to you is no to the road and yes to the trail as it was in April. The trail would be an immediate amenity for everyone in the whole valley, certainly for those of us who live close to Prehm Ranch and for people who like to get out and enjoy the outdoors. And on the long term it would become a selling point even for people in Westbank. There's a greater good here uh that goes belong the need or the perceived need for privacy among the folks at the Prehm Ranch and that is that people walking and riding their bikes need a safe way to get from Glenwood Springs to Carbondale and points in-between. This is the only immediately viable possible for that and as our population grows and people become more active, we are a magnet community for active people. this is important, it's really important to have as safe way, you know, I wouldn't ride my bike from Glenwood to Carbondale with having to go out on highway 82 at Buffalo Valley and Westbank Road, it's just not safe. You probably wouldn't either and you certainly let your kids do it and yet there uh a wonderful way to get back and forth here if we could just remove the last remaining blockage. Uh, So I would just encourage you to fight for this right of way, and uh know that the community is behind you on this and do everything you can to open it up for non-motorized use. And from my perspective living on Airport Road, I'm kind of on the other end of the Prehm Ranch from the Westbank folks and I've lived there for 18 years and people from Glenwood Springs come out on my road, my road, all the time on Airport Road to ride their bikes, push strollers, walk and run and walk their dogs and it happens everyday of the week and a lot on the weekends and it's a very good thing that that happens and I don't mind that it happens on my road at all, I think it's, you know sometimes, I see neighbors and friends come back and get a chance to visit, there's no trail, they just go on the road because there's not enough traffic to make it a conflict. And I think for the folks in Westbank for who are nervous about having this kind of access into their neighborhood, let me just put you minds at ease - it's a good thing - it's a nice thing. Thank you. Chairman Martin - Thank you. Any questions of Heather? Commissioner Stowe - No, I would encourage other next time we have a public meeting try to get, the newspaper's fine, but there's no substitute for testimony right here during the hearing at least a letter to put in our package or something. Thank you. Heather McGregor - Okay, will do. Mildred Alsdorf - Tim Heng. Tim Heng - I was present at the April 9th meeting and at that meeting you uh-voted two to one (2 - 1) to vacate any presumed right of way that may or may not have been there originally to the Prehm Ranch. All of the stipulations you set forth were met. At this point, as I'm sure you are aware; all of those stipulations have been met. I question how or why you feel you can change your decision made at that April 9th hearing, or April 8th. Since April 8th, lots have been sold, and more are under contract to be sold at the at the Prehm Ranch under the premise that that right of way that the County may have would be vacated. For the County to even consider reopening this process and going against their original ruling, while if not illegal and it's certainly unethical. The fact that you've even allowed this meeting to go forth gives hope to certain groups that should not be considered. This consideration has cost the Garfield County taxpayer's additional money, as well as Prehm Ranch and Westbank Homeowners. This action has also allowed local sensationalism through the press and has caused further damage to the reputation of the Prehm Ranch who has abided by all of the stipulations and agreements that you Commissioners set forth on April 8th. In this day and age of mistrust and dishonesty of governmental official throughout the Country, let us hope that we can value the word of our elected officials who also happen to be our neighbors. Standing behind your word may not be the popular thing to do but it is the right thing to do. Commissioner Stowe - One comment Tim, in relation to the motion that I said I vacated all right of ways, if you'll read my actual motion back at the time, my motion was to vacate the public roadways, that does not necessarily include all right of ways through that property and I remind you of that and there is a question if there is even a Midland Railway, my motion did not include anything but roadways. Thank you. Chairman Martin - Thank you. Any questions of Tim? Chairman Martin - Okay, we'll get to everybody, This is not a debate, we're taking testimony and for consideration to see if we go forward or not. Next. Mildred Alsdorf - Bill Lorah. Chairman Martin - Bill. Mildred Alsdorf - Mark Gould. Mark Gould - Zero zero four one (0041) Oak Lane. I've lived in Westbank since about Nineteen eighty-five (1985) or Eighty-six (86) somewhere in there and uh I also own I guess I'd like to start by saying I'm coming here to you today as a uh concerned

citizens who is a dad for one who has sent his children out of Highway 82 with dad, okay, and un my kids are eighteen, sixteen and ten (18-16 and 10) and I decided that you know I'm a CEO that makes decisions for a living. And we can only make decisions based on the facts at the time we have to make the decisions. So I'm going to sort of lay out a few of the facts that you were given as facts for testimony for the April 8th meeting and just explain maybe to some of the people here that, it's okay to change your mind when new facts come up. Facts were given to you, you didn't generate the facts, and they're not all correct, so I might have set around a couple of months ago, gees guys, I'm got kids that are going off to college and it won't be long before I'll down in Oak Lane bouncing a Grandchild, hopefully that will be Ten (10) years from now but I'm hoping that happens. I said how could I look that grandchild in the eye and say I've got new facts, why shouldn't I act upon them. Well let me tell you a few of the facts. a few of the facts are you had testimony that said there were existing roads and Westbank should be worried. Okay. I mean that was Westbank's concern, man, we're sitting here, out house in on an existing roadway. Subsequent to that meeting, deeds were found that said those right of ways were vacated. Next thing was that you were told the road was not continuous. So I would like to start with, and I know this may be in the record but I'm going to give everyone and Nineteen zero two (1902) map. Mildred Alsdorf - Exhibit KK Mark Gould - Some day that we were given to use if you didn't have this map necessarily given to you at the first meeting and then it was said, it's not continuous. The next thing you have here are four plats and they are dated June Thirteenth (13), August Thirty (30), September Twenty five (25) and October Seventeenth (17) of 2001. These are Prehm Plats. I'd like to put them into evidence. If you can imagine you were given this data showing these deeds that we now find exist, they're not plotted on that map, they're nor ever referred to on that map, okay and you were using this data, this plat and data cause that's how the process works, you know, people come in and give you data and you have to make a decision and utilize it. So the next thing I'd like to put into the record, is the fact that I have an opinion here from Land Title. Mildred Alsdorf - We need to put an, Exhibit LL. Chairman Martin - Double L, this would be double (MM) - Land. Title essential said that there is a road that transverses the entire length of the commonly known as Prehm Ranch okay. Obviously this is only an opinion so I'm giving you another one of those opinions that you have to consider when making your decisions, but it gives you the legal data as to why this road exists all the say. Now I want to do one more thing. And I want to say, when you look at this Nineteen zero two (1902) map you see that it didn't sort of go into no where land, it actually looks continuous drawn on a piece of paper. Now, the accuracy of our ability to find that on the ground right now, the Trails group are saying, we don't really care whether you plot it, if you plot it, it does exist and it exists from one end of Prehm Ranch to the other. Now the interesting part here, if you look at a topography standpoint you would find that are a tremendous amount of thirty (30) degree slopes out there. So when you think through where could this road have been in Nineteen zero two (1902), we need to think that there are not a lot of. we can even carbonate the oak brush if we want to talk about which oak brush was gone at the time of Nineteen zero two (1902) and which wasn't gone at the time of Nineteen zero two (1902). We can find the road but the point for today's discussion; it does exist completely between one end and the other end. And that testimony wasn't given to you in April. It was told by both sides that it didn't exist completely through the property. So the long and short of it is, I would urge you, I'm not asking you for a road, I'm asking for a trail, and I'm asking you to reconsider based on the fact that you have new facts today that you didn't have in April. Thank you. Mildred Alsdorf - Sterling Page. Sterling Page - I live at Zero two three five (0235) Oak Lane - Westbank Subdivision. My wife Christine Page and our noisemaker Elijah. We live at end of Westbank, at the cul-de-sac and it's been referenced today that Oak Lane never, but that the Prehm Ranch road was never intended by the County by your predecessors, ancestors as they may be, that the road didn't exist. Or if it was there, that it was never used, and never was the intention of the County to have that road through there. I beg to differ with that idea. The basis for that is that when the plat was filed, Filing One of Westbank, it had an access put in, public and private easement out the end of the cul-de-sac in Nineteen sixty-two (1962), that's less than half a century ago. We might not remember where we put all the things that we have, but I guarantee that if we go out into our garage and find something, it should still be there when we go looking for it. I would ask you not to have lost that piece of property. The Public right of way has been given away, signed away, to the owners of Lot Twenty-two (22) and myself Lot Twenty-two (22), that Thirty-feet (30') of access is available to the trails committee to put that trail thought there on my side of the street. Christine Page - Well, I just wanted to say that there's been a lot of reference here to good faith and fairness and all the sudden it seems like everyone has decided that or some parties have decided that we need to consider fairness and good faith and the law here. I would like for the Commissioners to consider the law, I know that's your job, I know that you've been working hard on that, but I also would

like all of the parties to, as it was put in the paper, put their cards on the table and let us all play fair, let's us know what's going on, let us not try to hide things and keep things quiet, let us be able to make own decisions and have our opinions and let us all play the same game. Not follow the rules when we don't want to follow the rules, when we want them to be in our favor and then all of the sudden call the rules to hand with things aren't going our direction. And I hope that you Commissioners would consider that in your decision.

Sterling Page – One more issue it was referenced earlier by Mr. Neiley that decisions were made and building permits were issued, uh, I'm in the contracting business and bought many permit, all of those permits are based on the fact that all of the paper work is done accordingly so that you have a legal basis to build on a piece of property. Lot 22 does not at this time, have a legal access because they don't have a legal road because they don't have a legal driveway, if they don't have a legal driveway, they shouldn't have a permit to build a home. I would request that the County Commissioners shut down lot 22's site building project until they can get a road put into that Lot 22 that accesses that home and close off the Westbank property on the Westbank end just like it's closed on the Glenwood end until this matter is resolved. Thank you. Mildred Alsdorf – Bill Lorah

Bill Lorah – A brief statement that, I'm here to encourage the County Commissioners to think about trails and alternative transportation paths and I think it would be a tragedy if the County gave up what we perceive to be a uh right of way through Prehm Ranch, just one vote and have the Commissioners think about that part that a lot of us citizens think are really important. Commissioner Stowe – What is your address Bill? Bill Lorah – One eighty-five (185) Tenniger. Mildred Alsdorf – Bill and Nancy Alley – Not here. Mildred Alsdorf – Steve Smith Unidentified Speaker – I have a letter to read from Nancy Alley. Chairman Martin – You can go ahead and submit it if you will and we will make copies of that, thanks Sturley. We'll have to make this one Double O, I do believe.

Mildred Alsdorf - Exhibit NN. Thank you Mr. Chairman, my name is Steve Smith, I live at Sixty three (63) One sixteen (116) Road, the Airport Road as it is sometimes know, that connects to the Prehm Road, it connects to the place where we're talking about. My remarks on the topic of the day were and are pretty brief. But I can't help offering a bit of aside that I hope I can present in a way that's not unkind. But you received uh some pretty harsh comments early in the meeting about this proceeding existing at all. And, I think that you don't deserve that and I think that you're to be commended for considering additional information if you have it and uh, I've been disappointed by several of the features project as it's progressed over the past year. And there's been several times when the prospective owners and then the current owners have made representations to you and to the public that have not been fulfilled. Uh, there was talk early of a conservation easement on portions of the property something that you can't require obviously as that needs to a voluntary decision. Uh, I maybe not looking in the right places but by this morning the county Assessors records and the County Clerk records show no such conservation easement registered. I'd be delighted to find if it's there, but if it's not it is something that was promised that isn't there. Three representations suggested that the only structure down by the river itself would be a quote "was called a small boat house." It's a very large building down there now with a major road cut to it. The folks owning this property now came to the Commissioners as we all now know, asking to build a road through it, they called it a driveway but they commissioned to build a road through it, and you said no, they built it. So, I think the notion of challenging your integrity or saying that the people need to be able to make plans based on things that were represented or promised, uh, is uh, something that needs to be turned into a mirror and I think that accusations like that uh need to be uh in much carefully selected words. But more to the point, I think i you do, as others have more clearly stated, uh, uh, or more thoroughly stated that I'd hopefully would just, uh, affirm my support for, that is if there is any change that you have an opportunity to retain a non-motorized access through this land that can connect our various neighborhoods and become a part of a larger network on non-motorized transportation, and there's a way to do it, either by sale, or by assertion, or by exchange, or whatever technique you use, if you have rights available there and an asset to the rest of the County, please don't give them up, please hand onto them until you can find a way a proper way to uh negotiate a way to put them to good use for non-motorized recreation and transportation through this section. Thanks very much. Bruce Christensen – Hi, I think I want to reiterate what

Heather said and that's, what the people who are here trying to get this changed are saying - yes to a trail and no to a road. And a couple of quick comments maybe to help the folks in Westbank to understand what trails can look like and maybe to respond to a couple of Walt's questions earlier. There are all kinds of trails but they're good way to connect neighborhoods and communities and I don't uh think that the fear that Mr. Beattie threw out about Glenwood Canyon and twenty-seven bicycles per moment, or per minute

dumping out into Westbank uh is ever going to come to fruition. I think there will be an inter-community connecting trail along the railroad someday. But that doesn't mean that there shouldn't be ways to connect neighborhoods as well. And, this is an opportunity that will be lost forever if we give in to these folks and give them what is current an invaluable public asset. I think you know, one of the things that my friends that are conservatives politically talk about is a cornerstone of their values is their property rights. It seems like it's almost scared – property rights. Well, in this case, we the people are asking you to protect the property right that appears to exist and belongs to the people. The opposite that you can do is to give this valuable property right to some land developer who wants to lock us out. They say they'll talk to us about trails if you guys go ahead and give them the access. Well, they sure didn't want to let us come visit last week when a bunch of real scary looking folks pushing baby strollers and people in their seventies and eighties walk down to a gate and saw four Garfield County Sheriff Department cars there and people stating in their muscular poses in front of the gate. So you know I don't think that we the people who live here have a whole lot of faith in this developer. You know my opinion is the only thing they want to do for our community is extract as much money from it as they can. As Steve mentioned, they're not giving us anything, they're locking us out and we're going to lose forever the opportunity if we give this up to connect our neighborhoods. I don't think that anybody that wants to see this preserved wants to improperly impact the people of Westbank; I think there are ways that we can work together to make sure that that works. Uh, one thought I had, and I'm not sure you can do this or not, but if the County doesn't want to be involved in this and we find out you do own it, uh deed restrict and donate it to a land trust. I've already talked to a representative of one of them, they'd be glad to accept it. Put whatever restrictions you want on it, say to make the folks in Westbank to feel comfortable, there can never be a road on it, or only ten- feet (10') of this can be used for public access and the rest has to go into a conservation easement or something, but keep it and keep control of it until we can figure out a way to keep it in the hands that will benefit the public as a whole, so. Thank you. And I thank you for having the courage to uh open up and have us come in and talk to you again too. Thank you, my name is Eric Gardey; I live at ten sixty five (1065) Park Drive in Glenwood. I'm a running, biker, been out to Prehm Ranch to the gate probably hundreds of times and would love to keep going someday. Uh, the Glenwood Springs trail system runs through my back yard uh, I think we need more trails, and in nine (9) years, I haven't had an issue with a public vandalism or problems at all on my back yard. I'd just like to encourage you to do everything you can to keep this valuable asset into public domain. Hi, Simone Hiller, ten ninety one (1091) Westbank Road. I was glad to hear that we were going to have the opportunity to come back to the this point and all these proceedings because it seems to me that the County is now in a position to be fair, the County is not in a position to uphold there very own rules and regulations and ensure that that assess which exists right now between Prehm Ranch and Westbank is closed. Thank you. I'm Suzy Duroux; I'm at zero seven zero eight (0708) Westbank Road. I would like to reiterate a couple of things that were mentioned earlier. It's been my opinion all along and it still is that the settlement agreement that was crafted between Westbank and Prehm Ranch should not be considered valid in the first place. It was based on misinformation. When uh, John Hoffman mentioned if you had made a decision on wrong information it should be reconsidered and I do very strongly believe that was settlement agreement was based on wrong information. We made that settlement agreement in large part due to the fact that we were scared of the Nineteen zero two (1902) deeded access, because of that road being there and that was a large basis of the settlement agreement. And now, they want to say it doesn't exist. Well, that's why we made the settlement agreement because it did exist. Uh, secondly, I'd do also want to Address Mr. Neiley saying he cannot participate because of unfairness. I, it's my opinion that Mr. Neiley is solely responsible for any consequences that the action of opening the trail would bring upon Marlin Colorado. Mr. Neiley took it upon himself to construct an illegal road through Westbank without regard to the law and without regard to the Westbank homeowners, and then he proceeded to sell property under false pretence and false advertising and it is neither the County's nor the Westbank homeowners responsibility to bail Mr. Neiley out of any perceived trouble that this will bring upon him. As Westbank homeowners, speaking for myself and my opinion, I would be happy to share my community with bikers, hikers, and other avid recreationalists. I would say yes to the trail, no to the road. I ah, don't believe in this scare about the hundreds and hundreds of bikers coming through our community. We have commercial vehicles driving through our community now; we have no effective means of limiting vehicles coming through our neighborhood without more legal costs and battles. So, I would support the hiking trail when the road is shut down. I believe that the County does have a responsibility to stay on track and no lose sight of the fact that this road needs to be shut down and the right thing needs to be done here. Thank you. Velma Rowland – As you'll understand I'm not a good public speaker. But many years ago in 1987, I was asked

by Bart Victor to get the story on Westbank because he was opening a restaurant and he needed to have the background of Westbank. I took over six (6) months to find information, I went to Courthouse, I went Planning, I went every place to find, try to find the story of Westbank. Nobody had any information. What I resorted to then was a book, railroad books that I have collection of and it's called the Colorado Midland Railroad. It has the whole story of the Colorado Midland Railroad from Glenwood to Leadville. In there, it depicted Cardiff, Greenspur, Westbank, Oak Lane, and ectiera. I wrote this story up that I have a copy here and the Hardwick brother bought that in Eighteen-eighty (1880) and they died in Eighteen ninety (1890) so there was no deeded road from the Hardwick brothers. Okay. Cause he died at the age Thirty-two (32). And their graves still remain at Westbank. In the Eighteen nineties (1890) the Green family obtained the ranch, okay, and they farmed it. The Colorado Midland had the main tracks from Eighteen eighty-seven (1887) until Nineteen seventeen (1917) that went from Glenwood clear through so this Nineteen zero two road, I'm sure the railroad didn't give the road to the County cause they were still using it. And on your map here you'll notice in the Nineteen ten (1910) County Road that the red line is away from the Colorado Midland tracks, right. So it's kind of a phantom piece of property. We have phantom letters and we have phantom pieces of property. The Rigney's purchased that Westbank in the Nineteen twenties (1920), Gambrels bought it in Nineteen fifty (1950). And I talked to them and they had the Ranch till Nineteen sixty (1960). Then Mr. Geiser, who was a very wealthy pharmacists bought the ranch from the Geisers and then he gave the ranch to Wheatland College and there was no, nothing of a road at that time. Uh, The Westbank Ranch limited bought that hundred acres of property and put on a hundred acre building sites. And so, Mr. Hubbell, if he would like to look at my railroad books, I have extensive maps of that whole railroad corridor, so you might mention this to him. And where am I going with this. It seems like, they wouldn't have given in up this right of way in Nineteen zero two (1902) if they were still running a railroad on it until Nineteen seventy (1970). Uh, the one thing that I object to a rail, trail system would be parking and I would say not in my front yard. They haven't thought of where are these people going to park. It's wonderful that they can ride their bicycles, but where are they going to park. Mr. Sterling, I'm sure doesn't want them down in his front yard and that's exactly where they're going to park, in that cul-de-sac. So, I think we should look at this but if anybody wants some history, I have a little bit. Mildred Alsdorf - Exhibit OO. My name is Thane Lincicome; I live at Ninety-eight Glenwood Avenue in Sutank. Uh, I really don't have anything new to say here, I just wanted to reiterate that you know, it's so hard to, like Mr. Houpt said, to go back and refit these things once a Subdivision is built out or something and I just think we need to hang onto this thing in some form, you know I think there'll be a trail from Aspen to Glenwood and it may not go through here, probably will go down the railroad track but uh just every connection you can make with a trail is a good thing I think. And I don't think anybody's adversely impacted by you. You look at the Rio Grande Trail in Aspen, it goes by houses worth five to ten times what the houses in Westbank are worth and people just drive by, they're not jumping off, going through people's yards and you know, it works. I think we should do everything we can to keep these trails open. Warren Wright - I think everything I was going to said has been

said. Dave Leety - Zero two one eight Oak Lane in Westbank. I live at the advertised entry, south entrance to the Prehm Ranch. The Westbank formerly advertised and still is, as the gateway to Aspen. The speaker before me mentioned uh that you guys ought to stick with your original decision on April Sixteenth (16th), well, let's not forget that there was an original decision before that and that was the lawsuit the four of you guys issued to stop the road in the first place. I just want to make that clear that there's a little history before April Sixteenth (16th) and which by the way I agreed with. Uh, you know, let's stop the road. Uh, we've seen a number of occasions where if this Settlement is approved, or wherever it stands now, I don't really know. However, they've already proved, they being the Prehm Ranch people that they can't live up to the Agreement. There's been a number of votes and a number of witnesses to these boats whereas they can't tell me that whether one or two lots are sold that this is not commercial boating coming through Westbank Ranch. There's at least eight (8) witnesses that'll testify to that. So we're already seen that the trust is not there and that for whatever reason they can't live up to what we're even talking about now. Now as far as the bike path goes, there was a letter published last Tuesday in the Glenwood Post which we wrote and identified a number of both engineering and personnel property issues that are real, there's no getting around it, it's there, whether you're talking gates, fences, decorative gate posts, utility pedestals, transformers, trees, shrubbery, sprinkler arterials in people's houses, it's there and it's got to be reckoned with. Now we're not anti-bike paths, what we are is anti running, you know, how many you, whatever figure you want to put on it of bikers, skateboards, and people walking their dogs, and so and so forth coming through Westbank Ranch, uh the railroad corridor is

an option condemning property along the river is an option. Consider this, there are Fifty-six (56) homes along the proposed alignment if that's proposed on Oak Lane and Westbank Road. Fifty-one (51) of those homes in a mile stretch have driveways backing into and entering any proposed bike path that goes through there in a one mile stretch. Now for the rest of our lives are we going to look over shoulder, Seven (7) days a week, Twenty-four (24) hours a day for people coming on bicycles, skateboards, you name it, coming through Westbank, you know, who's going to be liable for that if somebody gets hurt or even worst. You know, we're talking about an issue here that we're going to have to live with forever. So I wish, whatever happens we have Four (4) scenarios here. We have a bike path and no road, we have a road, no bike path, we have both or we have neither. The best scene that I can see is we have neither. As far as a bike path, there's a lot of places to put it besides in our front yards. As far as a road goes, I still it was illegal, whatever happened to this lawsuit initially that the four of you guys decided to file, disappeared and I have no idea how or why. I guess that's past history. But from my standpoint and my neighbors' standpoint, no road, no bike path. We're just as much recreation people as anybody in this room. I ride my bike up the Westbank Mesa, not everyday but when I can. So, I'm not against a bike path. You know there are better alternatives than coming right down Westbank Road and Oak Lane. Thanks for your attention. I'm Wick Moses, I live five four two (542) Eight (8th) Street in Carbondale and I'm on the Bicycle Commission for Carbondale, I've been on it for about six or seven years now and I guess I'd like to make at least two points, one is sort of the practical point and that is, that we have series of trails that have been put in the upper valley area down towards Carbondale and then in Carbondale and ultimately it seems as if we need to have them all connect and we need to have it all work and flow down to Glenwood because of lot of my time and effort has been put into this system and it would be a shame to see it end up as a patchwork system that essentially no where or went for very short distances. And the other point I'll like to make is, that I'm kind of the exception as far as bicyclists go. I hardly ever use my bicycle for recreational purposes. I use it mostly for commuting and shopping. I've a Mountain bike with a couple of wire baskets on the back and I find that I can do most everything I can do with my car on my bicycle. And, grant it at this time I'm the exception. I don't see a lot of people doing this. But I would be one to predict that in the not so distant future, as gasoline prices rise and as people become more conscious about how they can affect the environment and make change in themselves, that ultimately there'll be more and more people do what I do which is to ride Forty or Fifty (40 or 50) miles a week and use my bike to run my errands. And I think that in order for us to envision the whole way in which this whole system works and why so important, we need to think in terms of not just recreational use but also how people can use this in a practical commuting fashion for either business purposes or shopping. Thank you. Jeff Wisch- Zero eight three six (0836) Westbank Road. I'm not going to talk about Settlement Agreements or the past or anything, I think we're at one point right now in this meeting and as you keep the right of way for yourselves, for pedestrian bike path and non-motorized use or you don't and I think it would be very short-sighted of you guys not to keep it. What the future holds I can't tell you. I've seen a lot of change here over the Thirty-five I've lived here. I perceive a bike path going down hopefully through the railroad corridor as our main thing like the Canyon, I think the Westbank bike path, if it ever came into fruition through Prehm Ranch would become a spur of that and we'd not have the volume in the future that a lot of people think it will have. Keep your options open; don't close the door on yourselves. It would be a mistake. I appreciate you guys coming back to the table. I've always wondered, I didn't get voice about this before, why this wasn't brought up before. I mentioned to the Westbank Homeowners Association, excuse and they seem interested but I live there and if I have to live with people going by my door for a while till the other trails open and lower the level, I can live with it. I think it's very important and I think you have to think beyond the number of Fifty (50) people that are being impacted because you're talking of thousands of people being impacted on the other side. Thanks for your time. Commissioner Stowe - Does Mr. Neiley have anything to say. Rick Neiley - Thank you Mr. Chairman and Commissioners. Everyone loves the concept. You need to have the appropriate place to put one, you need the right of way, you need to have the plans to built one, and you need to have the money. What I've heard today is nothing new from the hearing on April Eighth, Two thousand two (4-8-2002) when the issue of the bike path was raised at that hearing. Mr. Martin made comments about it himself at that hearing. Some people that spoke here today made comment about it. The wish for a bike path through Prehm Ranch is a wish is many have so that they can have access to what is private property. It's fine to want to have the bike path as a recreational amenity but if it fact the bike path can be established in Prehm Ranch, then every ranch owner in Garfield County needs to be on the alert for people that would like to have access to their ranch and to be public property to get to other public roads to get recreational facilities. What we need before people start talking about building bike paths in a legal right of right. And

the County has a legal right of way along the Denver Rio Grande Rail Corridor which could have been developed by now and which can be developed immediately with an adequate length for a bike path. What we're simply talking about here is expanding the public's perception where they can recreate in Garfield County. I think that represents a potential threat to all landowner. One thing you have to have when you go about the process of building a trail, is a trail easement. And there is no trail easement through Prehm Ranch. What we've been talking about are some old county roads that at one time existed through Prehm Ranch. The Nineteen zero two (1902) map was in fact submitted as the joint petition with Westbank to vacate any claim of any public roads or any residual claim to any public rights of way through the Ranch. It is in fact that right of way still remains in place, first it doesn't go all the way through the ranch and second it was a road right of way and not a trail right of way easement. So the people that promote trails are going to get a road and I don't think there's anything that can be done about that. I don't think this commission has the ability to say to the Prehm Ranch or the other members of the public, if we have a public roadway, you can't use it, or only some of you can use it or only those that are willing to walk or bicycle can use it. There's a perception, the Glenwood Springs River Trail Committee, and the Carbondale Trails Committee promoted the perception that the existing road through Prehm Ranch is public right of way. And that's misconception and miss information. The article that was printed in the Newspaper suggested that County Road One sixty-three (163) traverses Prehm Ranch and that's not true. Here's a copy of the County Surveyors work. Mildred Alsdorf – Double P (PP) Rick Neiley – We're up to PP. And next door to the one, the County Surveyor provided. Chairman Martin – If we need more room we'll go ahead and put this one up. Rick Neiley – What you see here is an overlay of the survey Prehm Ranch Road, which is this dotted line outside of the deeded right of way. This is the old Colorado Midland Rail bed that the road is built on. It is not the same as the County Road that existed in Nineteen zero two (1902) through Prehm Ranch, which is represented by the deed that came from John McMillan. It's a severed right of way that as more than one person noted today, that roadway was built at a time when the railroad was still in operation. They were not on the same right of way. The public would like to have access through Prehm Ranch on that old right of way. And yet the County Attorney's office cannot tell you today and has not been able to tell you since last fall that that right of way was ever deeded to the County. In fact the County Attorney told you today that in all probability is not the case. So the access that is currently being utilized by Prehm Ranch is not a right of way that the County has any interest in, that roadway is a private roadway and absent some agreement that it was made a private roadway. Now if you'll look at the depiction of the deed that came from John McMillan, it goes across the Bershenyi Cattle Company, cattle ranch off of Four Mile Road, I would submit that there are other parties that need to be brought into this discussion whether a trail can be established across that deeded right of way, road right of way. It also goes across Prehm and hillsides above the old rail bed and there's probably a reason for that. It may have existed in Nineteen zero two (1902). They needed to be kept separate from the railroad, couldn't have horse carts on the railroad bed, it would be dangerous and disruptive. There's also depicted Government Lot Twenty-nine (29) in the lower right hand corner of those plats, Lot Twenty-nine (29) is a government lot that was conveyed into private ownership in Nineteen fifty-two (1952) for the first time. There was no access on that road in Nineteen fifty-two (1952) and I will provide you another Exhibit which I'll pass out to the Commissioners. It's a letter that was written last fall, objects and criticism that had been leveled against Prehm Ranch because of the loss of public fishing. This would be Exhibit double Q (QQ). And Prehm Road, and by the way Prehm grew up on the ranch and the Prehm family owned the ranch since Nineteen thirty (1930). This letter is in response to the article written Tuesday, April Seventeen (4-17) addressing concerns on a fishing access. Prehm owned ranch since Nineteen thirty (1930) – April – letter – never been any fishing access on the Prehm Ranch. The information in the article was totally wrong. There's never been any public access on either side of the river in the seventy-years (70) that my family has owned the property. We have however, let fisherman fish with permission only. There's a big difference between permission and public access. He goes on in the letter to describe. So the comments that were made, however they were wrong but the important issue here is that the Prehm family never did allow any public access to the ranch and they owned that ranch since Nineteen thirty (1930) so at the point and time when the United State Government conveyed Lot Twenty-nine (29) first to the Jamarron family and then the Jamarron family conveyed it onto the Prehm family, there was no public road through Prehm Ranch and despite the fact that we look at Nineteen ten (1910) County Road map or Nineteen zero two (1902) County Road map, there's nothing that's suggested that the county actually builds some road across Lot Twenty-nine (29) and asserted that there was a public road across Lot Twenty nine (29) in fact the evidence that we've been provided would suggest that some of the landowners built that road and asked the County to come in and take care of it. Well the County clearly

abandoned that road at least Seventy-years (70) ago. It was closed off by the Prhems and it's been private since at least Nineteen-thirty (1930). Trails are good things, we need to put it in places where they belong and where they don't conflict with vehicular traffic and where they don't conflict with private property rights and private property rights are important, we need to protect private property rights uh, because when people go into the acquisition of real property they need certainly as to what the claims of the public and government will be against their property. And in this instance, Marlin Colorado purchased this land after the Prehm family, in cooperation with Marlin took the property through a subdivision exemption process. That subdivision exemption process was a specific condition of Marlin's acquisition of Prehm Ranch. All cards on table at that hearing, the County had every opportunity to assert a public right of way through Prehm Ranch at that time, the County did not do so. This document, this Nineteen zero two (1902) road was in fact referenced on the plat as creating the Nineteen, excuse me creating County Road One-sixty three (163). County Road One-sixty three (163) leads up to the Prehm Ranch gate and ends at the Prehm Ranch gate. And I'll submit you as Exhibit RR, Mildred Alsdorf – Double R (RR). Rick Neiley – RR the County's Nineteen seventy-six (1976) County Road map. This County Road map has a specific legend on it, which identifies gates and it shows the Prehm Ranch gate. In Nineteen-seventy-six, no one thought that there was a public road through Prehm Ranch. Garfield County didn't think there was a public road through Prehm Ranch. In advance of Marlin's acquisition of the property in the year Two thousand 2000, I went and searched the County records. I got a copy of a certified map of the County Road, it's Exhibit Mildred Alsdorf – SS. Rick Neiley – SS. That certified map shows County Road One sixty three ending at the Prehm Ranch gate. My client bought the property without the County ever asserting any right to a public road with the County maps displaying the fact that County Road One sixty three, which is the access from the below the Airport ending at the Prehm Ranch gate. We can beyond that, when you look at the County Road Highway Users Report to which the County is required to file with the State of Colorado each year, to demonstrate where the County Roads are and where they're spending money and what the distance of those roads are and before our litigation we received copies of the Highway Reports for years Nineteen fifty-five up through the present. Those reports which I will submit as Exhibit TT demonstrate that the County Road, identified as County Road One sixty three (163) specifically according to the County reports ends at the Prehm Ranch gate. So maybe there was a Nineteen zero two (1902) road that existed somewhere across the Prehm Ranch according to the County Surveyor, the location of that road is based on a deed that was recorded in the real estate records. We know a couple of things about that deed. One is that it was a series of four deeds, two of which were subsequently vacated, Rick Neiley – The Nineteen zero two road (1902) was established based on a series of deeds. Two of those deeds were conveyed back to property owners in Nineteen fifty-nine (1959) by Garfield County eliminating roads that cross parts of Westbank that would have been based upon those deeds. The suggestion has been made that part of the reason Westbank agreed to settle this litigation was because of fear of roads across their property. I want to emphasis that Marlin Colorado Limited has always been denied there were public roads across Prehm Ranch leading into Westbank. That has been our position since we began the project, which has now become as The Preserve at Prehm Ranch. We have never asserted any, that there was any threat of roads between the Prehm Ranch and Westbank that would open to public use. That was never an issue; the County raised it last fall when these litigations began, and the issue has in fact been on the table as a public issue for approximately Ten (10) months. One of the purposes of a Settlement of the Litigation was to resolve the unknowns about what public access may or may not have existed. The testimony I've heard here today, presented by the County Attorney from various witnesses, does nothing to clarify what if any public rights of way through Prehm Ranch. We do know that in August of Two thousand one (2001) Garfield County, at the request of the Westbank Homeowners Association adopted Resolution Two thousand one dash fifty-eight (2001-58) in which the platted access between Prehm Ranch and Oak Lane was vacated. After the public hearings on that, the Commissioners on August Thirteen, Two thousand one (8-13-2001) the same Board of Commissioners made some findings that adopted the Resolution, some of those findings are, and I quote "to the extend the road easement is a public road right of way easement, that road easement is no longer needed for that purpose." Resolution Paragraph Number Four (4), "the road easement that is the subject of this Resolution is no longer needed as a public road right of way and should be and is hereby vacated." This Commission, a year ago, found in Paragraph Nine (9) "this vacation is in the best interest of the health, safety, and welfare of the general public." Those things haven't changed. The desire for people to have a trail is not the same issue admittedly as the right to have a road." But the Commissioners found that the road right of way, the one that had been platted was not longer necessary to serve the public good. That was a finding made a year ago in a noticed public hearing. It was attended by

many people. Similarly, this year, in April, the Commissioners concluded after a full and fair public hearing that was not a need for public access through Prehm Ranch or through Westbank. That was based on testimony, which is really no different today that was presented then. Certainly, we have more information from Mr. DeFord of the County Attorney's Office from the surveyors, but there's no information that suggests that this road access, such as it may have existed, is clarified. We can look at this Nineteen ten (1910) County road map, which is up on the screen, County Surveyor can't actually plat a road from that by his own statement It doesn't show the exact location but it does the difference between the Colorado Midland Railroad bed we used to construct the internal roads on the Ranch and whatever County Road or whatever the road was may have existed back in Nineteen ten (1910). We do know that as of Nineteen thirty (1930) it was shut off. The County has indicated a clear intentions between Nineteen fifty (1950) and Two thousand one (2001) who abandoned any right of public access to Prehm Ranch. Their own Resolution, their own deeds show that intention. Prehm Ranch is an exclusive division of property and it was intended that way. It's a hundred and ninety-one (191) acres with eight honesties on. The objective was to preserve as much of the natural environment and restore that natural viability of the river frontage as possible. That has been accomplished. It is difficult to accomplish those and then to bring public access through your property. A conscious decision was made not to pursue the underlying zoning which authorized Ninety-five (95) units on that property and in the context of which this Commission could have exacted public access. A conscious decision was made not to pursue that but to approach this as a Preserve and to those members of the public, did you not believe that it served the public interest. All you have to do is drive Highway Eighty-two and look at the upper meadows of this ranch and know there will be homes up there. There will never be lights up there. All you have to do is float down the Roaring Fork River and look at the bank of Prehm Ranch where it's been restored and where they are uh, new plantings, and uh, you'll know that are public benefits that derive from what's occurred on Prehm Ranch. There's been a suggestion that Prehm Ranch has not fulfilled it's commitments made in public hearings. In one instance it was suggested that a public, excuse me, a conservation easement hasn't been placed on the property. Well I'll tell you this, the conservation easement has been drafted and has been provided to our neighbor with whom we've been discussing it and until these issues are resolved because they will affect possibly the use and outcome use of this property we cannot finalize the conservation easement. There was also a suggestion that we represented to the Commission that all we would do was put a small building out, we have an Eight hundred square foot cabin (800'). That cabin went through both special use review and conditional use review. We put our cards on the table, we've never hidden anything from this Commission, we've never suggested that we were going to do something that we haven't done out there. The issue of access is a difficult issue, not because trails are bad, not because neighbors don't like people passing through their yard, but because as it is reflected in the evidence presented here, where you have uncertainty about what the legal rights are, you have uncertainty about the ability to make these connections and I would submit to you again that the real concern is getting a trail connected between Carbondale and Glenwood. That can be done and the construction could be started tomorrow if the wheels out in the community go out and do that. The Denver and Rio Grande right of way is already completed as a trail between Aspen and Basalt. There's work that's been done in Carbondale, it can be done, this is not the valuable length that people would like you to believe. The fact that there are trail supports here that would like to see a trail from Prehm Ranch is not different evidence than what you took at the April Eighth (8th) Two thousand two (2002) meeting. Perhaps the volume of it's greater; perhaps the organization effort has been greater. I think Commissioner Stowe's question to the City trails Committee is a pertinent one, why weren't you here back when these things were being done initially. Well we crossed wires. Crossed wires to the determinate of the Prehm Ranch owners, to the determinate of the people in Westbank, to the determinate of Ms. Cantrell who by the way built her home not based on some illusory permit but based upon this Commission's approval on an access permit based on the Garfield County Building Department approval and issuance of a building permit that takes her access of Prehm Ranch. There's nothing illegal about what she's doing, she's doing everything in compliance with both the Stipulation of Settlement and the permits issued by this Board. Where do we go? We know that there is no definite certain continuous easement easily located access through Prehm Ranch. It doesn't exist. For those who would urge this Commission to reserve its options, not to give up anything, I would submit that the options for transportation alternatives are out there. They don't involve Prehm Ranch and they don't have to involve Prehm Ranch. To the extent that people believe that this Commission will be giving something up, I would submit to you that what it would be giving up is uncertain accesses that haven't been used in a decade, ten (10) decades, seven (7) decades, Seventy years (70) at least and this County's giving up nothing but giving

up anything except uncertainly and strife and that we ought to adhere to the decisions that were made earlier this year to the limited access and that access is limited in the sense that no construction be able to come through, that only very small numbers of vehicle traffic can be accessed from Oak Lane through a gate that ensures that the road's not over burdened. The decision that was hammered out was a good decision. The decision that was hammered out and approved in April was one that served the community interest and it's one this Commission ought to adhere to. I urge you to do so and I'll be happy to answer any questions. Chairman Martin – I have one, do you an easement with Rocky Mountain Gas across Prehm Ranch? Rick Neiley – We do. Chairman Martin - Do you have copy of that you could supply us with that. And how is that based, is it a written easement with Mr. Prehm and his family or is it as it's depicted on the submittal as a County Road? Rick Neiley – There is a recorded easement with Rocky Mountain Natural Gas, which I can provide but I don't have it. Chairman Martin – But it is recorded. Rick Neiley - It is recorded. Chairman Martin - It's interesting that it couldn't be found. That interesting. Rick Neiley – I've got it. It can be found. Out title company found it. Chairman Martin – Yeah, many things can be found. Rick Neiley – Although I'll tell you, our title company never identified any of this, uh any of these old roads, even the McMillan deed was not even found. Chairman Martin – The reason I asked you that because the major transmission lines that you submitted under RR are void across Prehm Ranch and there is no recorded, at least on this map, any kind of easements or transmission lines which we know Rocky Mountain Natural Mountain Gas is across there in two different places and yet it is on one side which goes through Westbank Ranch but not on the Prehm Ranch to Cardiff, so that's why I asked you that. And this is a Nineteen seventy-seven (1977) map. Rick Neiley – Nineteen seventy-six (1976) and I cannot say where those lines are actually installed. Chairman Martin – Nineteen sixty-two (1962) according to the map that was presented in the uh submittals by the attorney which shows the County Road as well as the crossing of Prehm Ranch and Westbank of that transmission line so that I'm just saying there are many voids and many things that we need to look at. Obviously, we don't have all the information and it wasn't presented then either. So it's something that we must consider and that's why I feel that we are back here reconsidering our decision, wrong decision. So, any other questions? Commissioner Stowe – I don't have any. Commissioner McCown – No. Chairman Martin – All right, Mr. DeFord, you have anything further at this time. Don DeFord – I have nothing else at this time. I think you heard from both Mr. Hubbell and Mr. Phelps that are certain items that they will need more time to prepare. Chairman Martin – I have to agree, I think there's a lot of questions that need to be going, and a lot more research that needs to be done, maybe it's overkill but I think that we need to err in good judgment and caution but uh, if you have items that uh, you'll like us to consider, we will most enjoyably read them, and if you'd share with us cause we'll be sharing every exhibit that we have with you. So, hopefully we can do that but we'll need to continue this and that's the motion from the Board to continue this, give our consultants more time. So we need to have a continuation and a date certain so that we can come to final conclusions. Don DeFord – Mr. Chairman before you take that motion I should also note that, and I just forgot to, that uh, as we discussed earlier, I not provided copies of the exhibits that were introduced to day to either Mr. Neiley or Mr. Beattie, uh, we'll try to do that by tomorrow if we can plus additional exhibits, but we do need some time to get that. They may have additional information they wish to present after they review those documents too. Chairman Martin – And we will surely do that because this is a continued process, uh and we're also honoring the Court's ruling as well as continuing that minor restraining order of sorts, not much of one but it is some and we wish to go ahead and get along with the Court system as well. So, do we have a motion? Commissioner Stowe – In view of what Sam mentioned needing a two-week minimum to get the surveys looked at and then the deference to Mr. Neiley giving him time to look over these exhibits, I would suggest we continue the meeting to September Sixteenth (16th) which is approximately four (4) weeks, that gives everybody a chance to get the information together to review and us the chance to digest some of what's been given to us today. Commissioner McCown – Second. Chairman Martin – So we will have consideration of other testimony and other exhibits but we need to end this too, so. Don DeFord - As I've noted this is technically not a public hearing, it's a public meeting so the Board can continue to accept statements with all legislative decisions. Chairman Martin – It is a legislative decision not a land use issue which is hard to sometimes explain. Rick Neiley – As long as you have not voted on that, I would request that this setting be earlier without prejudice, if possibly I have two contracts that will be compromised if these matters have not been resolved and I would request this be set earlier. Chairman Martin – We have several items scheduled. First we have a motion and a second. Do you wish to consider that or do you wish

to call for the questions on that particular motion. Commissioner Stowe – We need at least two weeks for the Surveyor, so I mean, the earliest would be three weeks. I don't know if that helps you out at all Mr. Neiley. Rick Neiley – That helps. Chairman Martin – Can we look at that schedule to see what we have on September Ninth (9th). Mark Bean – I don't have the calendar. Chairman Martin – We have several items, I know it's a very big one, large items that were on that schedule. The Ninth (9th) I'm not sure. Mark Bean – we have a full agenda on September Sixteenth (16th). Chairman Martin – Thank you everyone for coming. Don DeFord – John, before we, there's a little bit of an issue, forgot on that one of Sam's too that that is an Exhibit We need to do that. Yeah, the one in the middle. We have copies of it I know. Mildred Alsdorf – It's already marked as an Exhibit. Don DeFord – It's just a mylar of what's in the application, so. okay. All right. Rick, both of the ones you put up are marked and entered? Rick Neiley – Yes. Don DeFord – We're okay. Mark Bean – On the Sixteenth (16th) we have subdivision exemption and amended plat. Mildred Alsdorf – So we'd better go with the Ninth (9th) – One fifteen (1:15). Chairman Martin – We need to take a vote on this or have a withdrawal. The motion on the floor is now to continue to the Sixteenth (16th) for review. There's been a request by the applicant to move it to the Ninth (9th). How does the motion stand? Commissioner Stowe – I withdraw my motion in view of the fact that we have a fairly full agenda on the Sixteenth already. Commissioner McCown – I'll withdraw my second. Chairman Martin – There not vote. Do we have a new motion? Commissioner McCown - Do we have adequate time on the Ninth (9th)? That was the only question, Mark Bean – On the Ninth (9th) we have an amended plat and a request for a subdivision exemption. Commissioner McCown – It's an afternoon time slot on the Ninth (9th) isn't it? Yeah, okay. I'd make a motion we continue to September Ninth (9th) at the One fifteen (1:15) time slot. Chairman Martin – All right. Commissioner Stowe – Second. Chairman Martin – We have a motion and a second. Any discussion? All in favor? Commissioner McCown – Aye Commissioner Stowe – Aye Chairman Martin – Aye. The discussion will be continued to the Ninth (9th) at One fifteen (1:15).

ADJOURN

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

Attest:

Chairman of the Board

AUGUST 22, 2002
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 3, 2002 with Chairman John Martin and Commissioners Walt Stowe present and Larry McCown via telephone conference. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

MOUNTAIN VIEW BUILDING ROOF

Tim Arnett, Richard Alary and Chuck Brenner were present.

Tim submitted the seven (7) bidders with their costs to re-roof the Mountain View Building, a new EPDM roof. The low bidder was Phil Vaughn and he recommended the bid be awarded to Phil Vaughn for \$24,390. The roofer will be Allan Duncan and he is certified to put an EPDM roof on with Gym Flex Roofing Systems.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Phil Vaughn for \$24,390 for the Mountain View roof; motion carried.

HARNESS LAND – PRINCE CREEK CONSTRUCTION – CR 236 AND CR 231

Marvin Stephens and Kraig Kuberry were present.

Marvin gave the Commissioners a summary of the situation on Harness Lane, which is just west of Silt. There's a new housing developing in process with Prince Creek Construction. They started to install a water line down our County Roads. These are County Roads 231 and 236 that Silt is going to annex real quickly but it hasn't happened yet. Marvin proceeded to shut the job down due to a lack of a permit with the County. Prince Creek Construction assumed they only needed to deal with Silt regarding permitting. Joe Mueller, operations manager for Prince Creek Construction, and yes we do have a bond in place with Town of Silt and have posted a bond. Commissioner Stowe asked if Garfield County was beneficiary to the bond in case they don't restore the road prior to the annexation. Jim Mueller didn't know the amount of the bond, nor what was involved. At the time, they thought they were dealing strictly with the Town thinking the road had been annexed already and he didn't think Garfield County was named on that bond presently. Today, they came before the Board to have the procedures followed properly. Marvin stated this water line and possibly some other utilities would be in the County Road for one-half a mile or further. Commissioner McCown asked Don, if the County was named as an additional insured on the Bond that's in place with the Town of Silt and a proper inspection program be implemented as far as the compaction of the material going back in on top of the said utilities down our road, would that alleviate concerns and would it give the County a comfort level of protection. Don DeFord said that generally is correct. The term on the Bond would be beneficiary, it would have to be in the full amount of the cost of restoration, and technically, they would need to get a permit from the County. This would require the contractor obtaining a rider or an amendment to the Bond document. Town Attorney, Steve Beattie for the Town of Silt, stated they do not have an objection and with this being presented at this time to the County, the County is entitled to know what's going on here. Spruce Meadows is the name of the subdivision, which has been annexed to the Town of Silt and Prince Creek Construction's project. It's located to the south of what's known as Harness Lane which is also County Road 236, it's on the northwest side of Silt proper. The access to the subdivision is by way of Harness Lane (CR 236); the access to Harness Lane is by way of First Street, which is County Road 231, which is the main access upon to Silt Mesa. The Town and the County Attorney have talked in the past, and it's the County's practice to be a little skidage about Town's allowing annexation of subdivision that don't have access from city streets because that way the County gets into having maintaining County Roads to serve municipal subdivisions. The Town of Silt has had a long understanding with the County Attorney's Office that they would be presenting an annexation map with a petition for the Commissioner's consideration for the Town's annexation for both First Street and Harness Lane (CR 231 and CR 236). Yesterday, Steve said they received from Schmueser Gordon Meyer the annexation map, which is almost complete. Through bond proceeds, Silt will be making major improvements to the lower portion of CR 236 when it becomes a municipal street, which will thereby improve access to the County properties up above. The developer will be making improvements to Harness Lane so there will entire improvements to both of these segments. There will be a new sewer interceptor built the entirety of First Street up to Harness Lane to serve potential development up from that due to significant improvements to the area, the infrastructure that will not cost the County anything. The Town believes that what Prince

Creek Construction is doing is appropriate. The request the County is making on the bond is appropriate however, in a week or two, the Town of Silt will be presenting the annexation petition and then these two roads being discussed would not be a County concern. Commissioner McCown said the fact still remains that it hasn't happened so he would still like to see the County named until the annexation takes place. Commissioner Stowe and Chairman Martin agreed. Jim Healer explained that their plans for the engineering were designed by JLB Engineering, civil engineer from the Front Range and the Town's SGM has also reviewed and approved the drawings. Don suggested as part of our permitting process, ask for a short statement to that effect to be certain that nothing will be done that would cause the annexation to fail. Steve agreed that was appropriate; Silt's SIA requires that all plans be reviewed in advance and all construction people be bonded. Marvin asked if all of Harness Lane would be annexed or just part of the road? Steve explained that Harness Lane does not run in a straight line fashion, rather it runs in a meandering fashion from sort of northwest to southeast, it almost runs along the section line. What they have done is obtain a deed from the property owner to the north of Harness Lane which is ELW, and a lady named Shelia Wills represented by Lee Leavenworth and she has deeded the south forty-feet (40') of her property down to the section line which creates a nice square right-angle ultimate road, which doesn't presently exist as a part of the subdivision. As part of the subdivision process, Prince Creek Construction is dedicating the northerly fifteen-feet (15') of their property thereby creating fifty-five feet (55'), which goes in a straight-line fashion. The forty-feet on the section is primarily where the road sits now. The road will be reconstructed in a straight line fashion so there's fifty-five feet (55') of right of way and then if and when the ELW project annexes in, a condition of annexation will be the dedication of another fifteen-feet (15') to create a seventy-foot (70') right of way perpendicular to First Street. Marvin clarified that there will be a portion of Harness Lane that going in a westerly direction from the end of the annexation. Steve confirmed that CR 236 west of the westerly boundaries of Spruce Meadows would remain a County Road. All of Harness Lane will be taken in by the subdivision and repaved and the County will no longer be responsible for maintenance on Harness Lane to the point where the Town no longer owns Harness Lane, to the westerly end of the subdivision. Marvin asked if the Town of Silt planned to put curb and gutter and asphalt. It was pointed out for Marvin what was taking place. Commissioner McCown asked if the County has received this annexation plan for review. Steve confirmed that this was submitted some time ago to the County and the annexation is now complete. Steve emphasized that one-hundred percent of the access to this subdivision will be across roads which will become municipal streets unless someone came from odd directions down from Silt Mesa to get to this subdivision or across from CR 236 as it meanders westward toward Rifle. Commissioner McCown asked Marvin if Harness Lane intersects with Ukele Lane on the west. Marvin said yes and this is where he disagrees because a lot of traffic coming from Rifle on Highway 6 going east will turn on Ukele Lane, go north and go in the west end of that subdivision. Commissioner McCown said not necessarily all of those folks living in that subdivision work up valley. He wants to protect the County's interest on however short a section of Harness Lane we had to deal with and dumping that into Ukele Lane for all practical purposes we've got a one-lane bridge so the increase in the possibility of traffic flow on Ukele Lane could impact our County Road drastically. Marvin agreed that it would. Don recalled this process that was bifurcated because the Silt Town agreed to annex portions of the roadways involved CR 231 and CR 236 separately from the annexation of the subdivision itself and it was presented to the Board that way. For this subdivision that was many months passed and it did come to the Board. Recently for Bookcliff Farm, there was a request that we waive annexation impact report concerning an annexation to Silt that involved roads in this area and the Board declined to do that for some of the reasons being stated today. Steve confirmed Bookcliff Farm being developed by ELW and Shelia Wills, came to the Board for a request to waive the annexation report and the Board required an annexation impact report as relates to the same roads which is just now in the beginning stages of the annexation process. This is situated just to the north of Spruce Meadows on the west side of CR 231. Don agreed and with that subdivision the proposal was to annex a portion, just a continuation of CR 231 to provide access to the Bookcliff Farm Subdivision, the Board, after discussion, believed there were other roads that would be impacted that were not address and wanted those addressed. The Spruce Meadows Subdivision came to the Board quite some time ago.

Commissioner McCown made a motion to name the County as an additional recipient to the bond made with the Town of Silt for utility installation in CR 236 and it needs to be in place prior to receiving a permit from the County Road and Bridge; Commissioner Stowe seconded. Motion carried.

EAGLE COUNTY AGREEMENT – PANAROMA FIRE – MISSOURI HEIGHTS

The request to partner with Eagle County from Dennis Davidson of the NRCS on the Panorama Fire on the portion that was in Garfield County. The request is to co-sign; Eagle County has reviewed it and signed it. There was some discussion earlier on this matter. Garfield County's cost is in-kind services that have already been established. Dennis requested the Commissioner review the partnership and sign it. Commissioner McCown noted that he did see where these funds that were promised for this reclamation, predominantly of the Hymen Fire, the largest fire encountered, and was stated that reclamation for all of this area that was burned, funds are being held up in Washington. He asked if the County was getting into some kind of a liable situation from a financial standpoint by accepting these agreements with Eagle County and are we being funded by NRCS, are they paying their bills. Ed said we are getting paid and Dennis is asking us to submit the bills so he can pay them. Chairman Martin said the request Dennis made for Garfield County was ahead of this current situation.

A motion was made by Commissioner Stowe to approve this Agreement pending review by our County Attorney. Commissioner McCown seconded.

Chairman Martin noted that nothing in the fire that is subject to any kind of litigation will be covered by this agreement and that has been reiterated by Dennis and Eagle County, so we are in the same position. Motion carried.

Citizen Complaint – Cars being left at the gate entry of the old JY Ranch Salvage Yard

Commissioner Stowe brought this to the Board's attention saying there were two cars left there and as of this morning there are four cars having been left and basically dumped along side the Cattle Creek Road. Chairman Martin added that the Sheriff's Department has been there as he noticed red tags on the vehicles. This is a dilemma we have with the Sheriff's office and he says he has no funds to contract to tow vehicles and no place to put them once he tows them.

Ed commented that the County's approach has been to haul those to the landfill and wait for the processing of the title. Chairman Martin said there is a cost of \$200 each vehicle, so if we are going to proceed with this, the Sheriff needs to present us with a contract with an overall base price, not at \$200 per vehicle but something that is reasonable.

Commissioner McCown inquired if there was a way to check back to the owner by checking these VIN numbers last. Yes. Those are the people who should be presented with this bill and if we have to take them to Civil Court to recover that, then he strongly suggest that's what we do. However, proceed to get these cars off the road but the Sheriff has to be involved in the legal processing and the service of that and the tracking of the VIN; this is part of his area of responsibility. The County can contract and get these vehicles off the road but not drop the ball at that or we'll end up being a tow service for everyone. Chairman Martin noted that the Sheriff has sent the County a couple of bills for the same thing, which we have paid but again this came out of the Landfill budget designated for road clean-up projects. Commissioner Stowe suggested bringing someone in from the Sheriff's office next week and discuss this in open forum and let him know the plans. Staff was directed to proceed to remove the cars. Commissioner McCown noted that Spangler's Salvage yard will take these vehicles under appropriate authority for us to deliver them. Mildred Alsdorf stated we have to have a title for them to accept them. Motion carried.

HISTORICAL PRESERVATION LETTER - CEMETERY

Chairman Martin has been approached by the Historical Preservation Commission of Glenwood Springs and also Battlement Mesa for the School and also the Coal Camp in South Canyon for letters of support for historic preservation. Commissioner McCown asked if this would preclude an area Cemetery if that area is deemed historic preservation. Chairman Martin said it wouldn't, you can still allow certain uses, you just couldn't destroy the historic buildings, etc.

Adjourn

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

Attest:

Chairman of the Board

SEPTEMBER 3, 2002
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 3, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Emzy Veazy III – a graduate from Fordham University in 1973 in Political Science and Sociology, and in 1985 with Banking, Business, and Computer science, presented a verbal picture for the Commissioners regarding Rural Economic Development based on economics competing on a global scale. His background is focused on public relationships and publicity efforts to increase sales or funding, client base, market shares, reduce costs, raise capital/funds, and improve operations to deal more effectively at a local, state, regional, national and global level. He stated that the federal government is trying to cut out the middleman. He focused on the railroad trunk line between Glenwood Springs and Aspen as a viable stimulate for economic development. He had spoken to the Fire District – Mike Pieper – City of Glenwood Springs, who told him they only had 15 employees to cover a 48 square mile area. He thought the Commissioners could come up with a way to generate capital, i.e. a utility tax. His plans include a presentation to Mr. Larry MacDonald, General Manager of Hotel Colorado.

Silt - Sawmill

George Strong – Sawmill – Silt – New set of plans and location of his shop were submitted. The Board will review the plans, get with Mark Bean, and get back with George.

Courthouse Space

Georgia Chamberlain asked for consideration in the remodel. She needs windows and light. There is an opportunity with the nurses moving out. She requested approval for a total move to where the nurses are located. Need to be next to the Clerk and Recorder and the Assessor. Chairman Martin stated they are meeting with Chuck Brenner and they are doing an assessment of the Courthouse. She suggested having each office met with the architect, discussing the opportunities and the budget and letting the Commissioners inform the elected officials of what the future and growth of the County. She requested for those involved to supply the floor plan and an opportunity to sit down with Chuck Brenner before any finalization of remodeling.

COUNTY MANAGER UPDATE – ED GREEN

a. Employee of the Month – Andy Schwaller, Building and Planning Department

Mark Bean presented Andy with the employee of the month award. Andy is the chief building inspector for the County Building and Planning. He is always very easy going and very fair in the way he deals with everyone.

b. Proclamation honoring Mike Alsdorf for his volunteer work in Garfield County

Whereas Mike Alsdorf, American Red Cross volunteer who has re-built the local Red Cross chapter by fundraising, recruiting and setting up volunteer trainings; and

Whereas Mike Alsdorf was the Red Cross liaison in Garfield County during the Coal Seam Fire in summer of 2002, ensuring that displaced homeowners were provided with temporary lodging, food, clothing and counseling; and

Where Mike Alsdorf set up a paging system for the Red Cross so that members could be paged to incidents; and

Where Mike Alsdorf set up a mobile cantina that provided food to responders and victims, and ensured that those manning the command post were fed; and

Whereas, the Board of County Commissioners recognizes the critical role volunteers play within our community.

Where Mike Alsdorf has developed a cadre of people who are trained as damage assessment teams and have responded to the Rifle Flood, the Coal Seam debris flow and the Coal Seam Fire

The Board is honored to present Mike the Proclamation honoring Mike for his volunteer work in the County.

Mike said if he worked that hard he would really be busy. He has a great deal of help. Lynn Alsdorf and some of the other Red Cross Volunteers were present.

c. Request for Out-of-State Travel – Healthy Beginnings – Lois Hybarger

Ed submitted a request for out-of-state travel for Lois Hybarger for the opportunity to evaluate the new software on October 22 – 26, 2002.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the out-of-state travel request for Lois Hybarger for October 22-26; motion carried.

d. Town of Carbondale Discussion of Improvements to state Highway 133

John Harr and Bentley Henderson – Town of Carbondale presented an update Crystal River Marketplace – Fiscal Impact Analysis prepared by BBC Research and Consulting was submitted. He requested any assistance the County could give them to rebuild the road. State Highway 133 needs to be rebuilt and the bridge across the Roaring Fork River needs to be widened. They will use some sales tax and contributions from the builder. The best estimate is \$8 - \$9 million to make these improvements. They will fund the remaining dollars through a special improvement district with the developer and the Town, issuing public bonds to do the work. They are in negotiations to see how much the developer can contribute. They expect to be within \$1 - \$2 million within the estimated costs. They asked the Board to consider helping Carbondale during their budget reviews. It is not an obligation that the County is responsible for, neither for the Town, it is a State Highway. There is not much help from the Colorado Department of Transportation in this effort. There's a good change that this project is going to go to a vote of the people with a possibility of two questions, the project and the financing.

Chairman Martin stated the bridge and the section of the bridge is actually outside the Town of Carbondale and is in the County. They have been trying to get this on the CDOT list but it is currently rated number 3. Commissioner Stowe said if they get on the CDOT list, it might be years out but CDOT would reimburse them eventually. Bentley added that one of the efforts with the developer; they are trying to come up with some type of a payback. Commissioner Stowe – Glenwood Springs is on the eighth list. If CDOT doesn't feel like the Interchange is not going to happen, funds can be transferred to another project within the County. Carbondale would have to be in a position to fund that project at that point. John Haar – if it goes to a vote, the project passes, and the financing doesn't, then they would be in trouble. The sale tax would begin to flow; they would do the bridge first and then figure on widening the road. CDOT has been working with the Town of Carbondale in the planning stages. For every 1 cent it will generate \$450-\$550 in revenue.

e. Authorization for John Martin as Chairman of the Board of Equalization to sign an Abstract of Assessment

Lisa Gunderfelder was present and she submitted the request of Shannon Hurst that the authorization of the Chair be approved to sign the Abstract of Assessment.

A motion was made to go into the Board of Equalization by Commissioner McCown and seconded by Commissioner Stowe into the Board of Equalization; motion carried. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair of the Board of Equalization and Board of County Commissioners to sign an Abstract of Assessment. Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Equalization; motion carried.

f. County Fair Results – Dale Hancock

Dale submitted the results of the Fair 2002 in graph form showing the differences in year 2001 and 2002. The profit as to date is \$23,394.

Commissioner McCown mentioned that he heard good things about the Carnival.

Dale said, the Motor Sports are the events that generate a lot of revenue. Dale said they would probably sign in the Carnival for next year as well. He recognized Lois Hybarger for her efforts in handling the funds.

g. 2001 and 2002 Fair Grounds – Performance Measures

Dale submitted graphs showing the comparison in events from 2001 and 2002 for: Equestrian, Auctions, Education, and Entertainment. Year 2001 was an average attendance of 7534/330 with a rating of 4.4 and 2002 was 7663/448 with a rating of 4.88.

The Board complimented Dale and the Fair Board for a job well done.

h. Child Care Update

Lynn Renick and Ed were present. Ed said the Personnel Committee met and the Child Care facility being sponsored was discussed. He asked the subcommittee to continue to proceed with the Center for the four Counties. It is possible to only provide child care to employees only. The manner to elect employees to have this benefit would be on a first come, first serve, and there would be a waiting list. If this were

available for the other Counties, they would each have a number of allocations available. The facility would be intended for Rifle, one in 2003, and one in 2004. Judy said it would not become part of the benefit package. Lynn presented the 2002 Strategic plan and said it was to increase the childcare benefit. Employees, 9th Judicial and the courts were surveyed and specific options for employees were included. The Survey went out to 1200 in the Glenwood Spring area in 2002. There was a 10% return. Very preliminary information was obtained. They would like direction from the Board and allow them to continue. The survey indicated favorable responses. There is a critical need for infants in childcare for Garfield County. Employees are interested in childcare, especially closer to work in order to visit with children at lunch and breaks. It would produce more productivity. They are looking at the possible of a government type of facility with CTSI being the insurance carrier, as they would carry a facility. The Personnel Committee is exploring the possibility of offering a cafeteria plan with those benefits as a choice. They are looking at Rifle and Glenwood Springs. Some land is available in both locations. It might open an opportunity to build a new facility on some county land that might be available in Glenwood Springs as well. Commissioner McCown commented that he still hasn't heard the bottom line on how this will operate. The size of it, is this just a token or can we make a dent in child care, what is the priority over the courts, who will support it, where do we go if we don't collect the fees - do we garnish their wages, also how much cost to the County. In theory, he said he believes in the program and encourages the continuation of it. Lynn Renick said she realizes the questions need to be answered. The Board needs answers. Ed said they are looking for the Commissioners consent to continue looking into this. Lynn said Glenwood Springs was interested, but has not attended a subcommittee meeting. The number thrown out at the Personnel Committee was 32 slots. 70% of the cost is made up of personnel. If County land was available, should they look at modulars in order to expand. There is a square footage requirement. Ed said the 32 slots is traditional and felt we could be successful. Chairman Martin suggested partnering with the six different communities as they have the modulars. Re-2 School District's returns were as high as the County. The Board gave their approval to proceed.

i. Authority of Information Services Director/Updated Procurement Manual – Tim Arnett

Carolyn Dahlgren, Diana Wessel and Tim Arnett were present. Exhibit A – The Draft Resolution was submitted to the Board. It's a Resolution adopting the Garfield County Procurement Manual – 2002 and Amending Certain Provisions Thereof. Carolyn Dahlgren explained the policy and changes to be reflected in the first amendment. Section 3.104 adding "Procuring of Computer Hardware/Software". Carolyn said for the Commissioners to control the Procurement Manual is very clearly stated. The Board preferred the Resolution. Commissioner McCown felt for Diana's position to work, it takes one person to make sure all equipment is compatible with the existing equipment. The Board agreed on the Resolution idea and directed Carolyn to proceed with the Procurement Manual Resolution. By accepting the Procurement Manual, this covers all procurement and not just this one issue on computer hardware/software.

j. Sign an Equal Employment Opportunity Plan for Terrorism Grant

Guy Meyer presented the Certification for signature of the chair in the grant amount of \$32,085.00. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Certification from the State Domestic Preparedness Equipment Program in the Grant Amount of \$32,085.00; motion carried.

k. Discussion regarding Heritage Planning Grant

Mark Bean and Randy Russell were present. Randy submitted a memo explaining the delays in the job of code rewriting and the re-codification of our regulatory documents. These documents have become cumbersome, the result of years of cutting, patching and adding new material and provisions. Using the Zoning Resolution and the Subdivision Regulations is now a difficult process. This is to assist clients as well as staff. A fair amount of the work on this project can and needs to be done in-house. On Friday, August 23, at the joint DOLA/CCI/CML briefing in Grand Junction that he attended, a session was held introducing the new Model Code for cities and towns that was funded by an Office of Smart Growth Heritage Grant. Charles Unseld, director of that office, mentioned that they may explore working on a model code for counties next. Randy said he suggested that Garfield County was looking at a major rewrite, and that we might want to explore using that opportunity to work on a model code jointly as part of that process. Randy suggested that if we had \$50,000 match, and Smart Growth put in an equal amount, that we might be able to get that done next year. Charlie was very interested. The City and Town ode has gotten very good reviews, so they are receptive to trying to replicate that. The deadline for this funding round for Smart Growth Heritage grants is in two weeks, September 13. They only fund one cycle per year. The question before the Board today is do we get our hat in the ring on this one?

Recommendation: Staff feels a key to this proposal is our control over the contracting and scope of services. We've been guaranteed that. We control the consultant selection, work plan, scope, timing and pace for the work effort. We define the deliverable we expect. We get an infusion of resources for this effort from another funding source. If the county were to allocate its own resources to this effort anyway, using that as a match for additional funding makes sense. Having the Model Code in the production will not detract from our work product. Staff recommends submitting the application with language making the application contingent on your final budget approval for this work effort. Randy researched the application process and would possibly take ½ day of staff's time. 1-5200 – adding another Town or City – it is a multi-jurisdiction operation. Charlie wants CCI to be supportive and beneficial to Counties, but he is not real sure of where they may be so close to the grant deadline. It would be necessary to have someone partner with us. Chairman Martin stated that he favors finding someone to partner with us to accomplish this and added that this is a great opportunity. He would like to see this move forward. He will be in touch with Chip Taylor on this at CCI. He would like to see Garfield County step out and be a leader. Randy said if we do not get the grant, we could do chunks of this study in house. Randy said he has talked with Rifle as a co-sponsor and he would like to get all six communities. Mark said if the grant is received, they will work with all six communities, however for the time being, they need a co-sponsor and are therefore asking the Board's authority to proceed to submit the grant.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go ahead and approve the application for the Heritage Smart Growth Grant Opportunity as explained by staff; we authorize for budget the necessary \$50,000 which we were going to do for next year anyway as part of our match in this grant application and authority for the Chair to sign any necessary grant applications. Commissioner McCown stated this is assuming the budget's going to be approved. All agreed and stated they understood. Motion carried.

1. Latest update Road and Bridge Facility

Ed submitted the update:

- CMC CONTRACT
 - Original Contract \$2.54M
 - Approved Changes 246K
 - Prospective Changes
 - 2K Misc.
 - 40K Fence
 - Total anticipated contract amount with fuel island and lifts – 2.928M
- TOTAL PROJECT
 - CMC – 2.98m (2.667M from Cops Funding, 262K from Capital)
 - Meldor (road and utilities) – 661K from Cops Funding
 - Capital Items – 307 all from R & B Fund, (560K available)
 - Holy Cross Electric – 45K (to be refunded over 10 years)
 - MISC. 45k (Separate PO's placed by County)
 - Lifts – 100K (to be added to CMC)
 - Fuel Island – 162K (added to CMC)
 - QA Costs – 25K
 - **TOTAL ESTIMATED PROJECT COST - \$3.704 M**
 - TTL COPS COSTS – 3.398M

DOLA Grants

Deadline extended to September 13, 2002 – Ed stated there were two being submitted to the Board for review.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Discussion Regarding Senior Tax Exemption Appeal Process

Lisa Gunderfelder for the Assessor was present.

This is a new constitutional provision on the behalf of the Board of Equalization that occurs the first part of September; it's a determination by the Assessor based on Statute. The basic requirement is a senior owns and resides in their own home for 10 years or more. There are six appeals and requested the Board set a date to consider those appeals.

September 23, Monday was set and Lisa Gunderfelder was requested to advise the Board if these six individuals could not attend, then they would have set two dates, the other would be for Thursday night, September 26, at 6:00 P.M.

b. Discussion and Action on Panorama Fire Rehabilitation Contract

Don DeFord and Dennis Davidson, District Conservationist were present. Don DeFord submitted a proposed draft of an amended cooperative agreement between Eagle County, Garfield County and NRCS relating to the Panorama Fire. Don explained that Garfield County will be responsible for approximately 20% of the cost of execution of the construction plans. This would be for the reclamation of the fire line; the one they dozed in during the suppression time. Dennis said they will probably do 75% of the seeding, but if the insurance companies pay, it will be different. There are some properties involved in case of a flood.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the NRCS Amended Cooperative Agreement and for all three Commissioners to sign the document; motion carried.

c. Fire Ban Renewal

Guy Meyer submitted the weather report on fuel moisture. The Governor has not lifted his Statewide ban. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the Fire Ban and consider the Fire Ban on September 23, 2002 at the Board of County Commissioners and the Board of Equalization Meeting; motion carried.

d. PUC Update – Stipulation – Local Calling Area Expansion

Carolyn Dahlgren stated that Randy Russell and Margaret Wierenga are waiting on the Public Utility Commission to sign the documents. Margaret received a notice of a hearing to be held on October 13, 2002. Carolyn said she will check with Margaret to find out the particulars and advise the Board later.

e. Update on “Core Services” Contracts/MOU’s

Carolyn Dahlgren provided the update stating this is a 9-county region for mental health core services and Garfield County was the lead county at the beginning of the program and there was an original contract with all 9 signatures. That stayed in place, but there was an MOU in place. In looking at the documents, Carolyn was concerned. Lynn and Carolyn worked on this; now there are two leaders – Moffat and Garfield - with each having several counties. It requires a signature from all three Commissioners or authorization given to the Social Services Director to sign the document. This is a project in the works, but they are still waiting on additional information. Lynn Renick spoke on the administration issue and Moffat County’s contracts withholds a 3% cost to manage the funds. It was determined that Garfield County should do the same. Carolyn noted this would require an amendment.

f. Intergovernmental Agreement for Regional Bio-terrorism Grant

Mary Meisner was present. This is a proposed IGA put together by Public Health; it’s a 9-county area including Eagle, Garfield, Jackson, Grand, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties. Summit County is the lead county.

g. Update Emily Griffith School Conditional Use Permit

Don DeFord, Mark Bean, Bill Evans and Howard Shipman, Chairman of the Emily Griffith Residential School. Don said they believe there is a valid existing Special Use Permit for the school. Mark said the Board added the use of a Correctional Facility within the Zoning and believes they can continue to operate the school. The compliance issues rest with the Emily Griffith School. Bill Evans gave the background of Western Academy and added that when they were applying for the Conditional Use Permit, this is the same as what they proposed in 1986 in terms of the treatment of children in this facility by referrals from Social Services Agencies. This is not a correctional facility and cannot be referred by the Court or ordered by anyone to accept anyone. This separates a correctional facility from a treatment center. A letter handed out by Howard Shipman talked about some of the things they intend to continue to do. Mark said the application was originally an educational facility in 1986 so they were aware of the unique needs. This offers other curriculum other than school, but this is similar and would meet the zoning for the CUP. Commissioner McCown didn’t have a problem continuing this for the new operation. No action was required by the Board since the CUP is in accordance with the previous operation. Bill said this is a change of tenants. Howard said if there were any changes in the operation of the facility, they would come back. A brochure has been made available to the residents and Howard mentioned he is very involved in community issues.

h. Executive Session –

Dennis Davidson – Negotiations with NRCS

Town of Silt, September 23, Lyons, Stoney and Will Subdivision set for Public Hearing

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

The Board, Jesse, Ed, Mildred and Don were requested to attend the session.

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

Public Discussion

Don stated that Mogli Fairbanks had submitted a letter on August 15 of intent to purchase 1015 School Street property. The City has the first right of refusal. The City maintains the County has a first right of refusal of the old police department on Blake Avenue. Mogli will take either or both, or make a trade with the City and then she will offer to purchase for \$450,000; the County has the value of their property at \$650,000. This was her proposal.

Chairman Martin said the County does not have a first right of refusal on the old City Police Department building.

Mogli requested some decision today.

COMMISSIONER REPORT

Commissioner Stowe – Noon - Healthy Beginnings Board meeting Tuesday; Political Debate in Rifle this week; Ice Cream Social for the next three Tuesday's night at 8:00 PM; Upper Valley Mayor's Meeting in Carbondale.

Commissioner McCown – Next week – Mayor's Tuesday – 6 – 9 in Rifle one of the six, Associated Governments in Rangley.

Chairman Martin – Fixed Guideway Authority to discuss federal transportation on Thursday 1:30 p.m.; last week he made a Road Tour with Marvin Stephens. Trappers Lake Lodge built in 1918, plans are to rebuild the lodge, work with Rio Blanco and Garfield to get it rebuilt; rotomil project in Sweetwater. Received request – letters of support for the Battlement Mesa Stone School and also a letter of request to support the Coal Camp on an Historical Preservation projects.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the letters of support for these historical preservation projects. Motion carried.

CONSENT AGENDA

a. Approve Bills

b. Sign Williams Energy Services Division Orders

c. Cattle Creek License – Perau and McClellan

d. Sign a Resolution of Approval regarding the Amendment to Section 5.03.15, Kennel, of the Garfield County Zoning Resolution 1978, as amended, by William Pinkham

Don asked that 4(d) to be removed. Alterations were necessary and it will require some discussion by the Board. It was determined to move this to the September 9th Agenda.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items A – C, omitting Item d; carried.

CONVENE AS BOARD OF SOCIAL SERVICES AND APPOINT DIRECTOR OF SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; motion carried.

Margaret Long has retired to go to Boulder; there is a reception for Margaret today at 4 PM.

Appointment of Lynn Renick as Social Services Director

Ed said their recommendation was based upon discussions with Margaret Long, Don DeFord and others, and that is to appoint Lynn Renick.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Lynn Renick as the Director of Social Services; motion carried.

UPDATE ON GARFIELD COUNTY YOUTH ZONE – DEBBIE WILDE

Debbie Wilde gave the presentation and presented the Youthzone Service Model

Debbie highlighted the budget cuts and explained how Youthzone is looking at a restructuring process by adding fees (before it was 3%) and now the real cost is 60%. They are encouraging municipalities to underwrite some of the costs. The advantages of the juvenile diversion are you have a place to red flag potential juvenile detention youth. It's about getting the job done and having outcome. They have a model now that can reach out to other areas. Intervention is very strong in our communities and asked if we can have the community we want without Youthzone. There is no question about having Youthzone. At the

local level, they have determined the cost and the burden will be on the parents to pay. There are other kids who need to be in Youthzone and the parents do not have the funds. At a juvenile diversion, there is none. The hope is that this program can because it should be a part of the State Court System. This is the support they want to see from the Board of Commissioners. Debbie said they are confident and hopeful to bring business off the street in a paying mode on an hourly basis. To the Commissioners, this is not a County organization, but the County does put funds into it. Here's the opportunity to provide feedback to keep these interventions alive.

Commissioner McCown asked the City's level of commitment for funds. Debbie said the City's are encouraged to use these funds as a scholarship and to underwrite the kid's participation in the Youthzone intervention. It's budget time, and all have had presentations. However, the Youthzone fee is there, it works and it is beneficial. The responsibility to pay for the cost is passed onto the offender, the family and the Courts. Kids have to do the community service time. The fees are adjusted to the parent's income. At the County court, there is no scholarship participation. The impact is going to be in the Court system. This is where the Commissioners can voice what they want to do. Debbie reiterated that they are not whining, they are moving forward. Fundraising of funds will be used for kids who are not in the system for juvenile diversion.

UPDATE ON GARFIELD COUNTY SENIOR SURVEY – DEBRA STEWART

Debbie Stewart, Kathy Chandler-Henry – CMC Institution and Dr. Robert Spuhler were present as well. Debbie Stewart provided the update. She submitted the Garfield County Senior Citizen Benchmark Report prepared by Colorado Mountain College – Senior Programs – May 2002. Debbie provided a slide projection report as well. She explained how and why the benchmark report was done saying that in the Fall of 2002, they prepared and put a survey out for the New Castle Senior Housing Project and to see what else they can find out as to the services and the needs. The four-benchmark issues facing the seniors are transportation, housing, health, and nutrition. The Older American's Act was cut down to \$2 million without a guaranteed base. They made severe cuts in Medicaid. Nationally the funding looks to be the same. There is one piece of legislation NSIP they hope to connect to the Older American's Act for intervention. Title III B for transportation, legal services, home health, Title C – congregate meals and Title C2 for home delivery meals. Mesa County receives the largest portion of those funds. Deb's presentation included the Federal Interagency Forum on Aging Related Statistics and statistical reports. She said that transportation has increased and even with the seniors who have moved into assisted living, they are still using the Travelers.

APPOINT MEMBERS TO THE HUMAN SERVICE COMMISSION – SANDY SWANSON

Sandy Swanson presented a list of potential members to serve on the Human Service Commission to fill vacancies. The Human Service Commission unanimously made these recommendations:

Perry Bell – vacated by Steve Carcaterra – representing indigent/homeless

Jesuseloy Montes de Ola – vacated by Asistencia para Latinos – representing Minority Services

Jan McCollor vacated by Ron Limoges – Open Citizen at Large

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint the aforementioned individuals to serve on the Human Service Commission. Motion carried.

Executive Session – Property Sale Contract Negotiation, Litigation Update – Illegal Road Closure

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into a Continued Executive Session; motion carried.

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Lundin wanted to advise the Commissioners of the upcoming Glenwood Springs TriAthlon - bike race and to inform the County Commissioners of their plans.

Starts Sunday, September 8 and starts in front of the pool, goes to Exit 109 and ends at the Hotel Colorado.

REQUEST FOR APPROVAL OF A PRELIMINARY PLAN FOR THE SUBDIVISION, LOCATED NORTH OF STATE HIGHWAY 82 AT 3523 COUNTY ROAD 103. APPLICANTS: JOHN AND SUSANNE CLARK

Attorney Bob Noone for applicants John and Suzanne Clark, Nathan Bell, Carolyn Dahlgren, and Mark Bean were present.

This was a continued hearing from August 5, 2002.

Chairman Martin swore in the speakers.

Mark Bean submitted the following exhibits for the record: Exhibit A – Letter from Carbondale and Rural Fire Protection District to Kim Schlagel dated March 23, 2002; Exhibit B – Letter to Garfield Planning Department from Kenneth Know of the Colorado Division of Water Resources dated March 20, 2002 and June 11, 2002; Exhibit C – Letter to Garfield Planning Dept. from Celia Greenman of the Colorado Geologic Survey dated April 1, 2002; Exhibit D – Referral comments from the Garfield County Road and Bridge Dept. dated April 4, 2002; Exhibit E – Memo to Kim Schlagel from Kelly Wood of the Colorado Division of Wildlife dated March 29, 2002; Exhibit F – E-mail to Kim Schlagel from Steve Anthony of the Garfield County Vegetation Dept dated April 24, 2002; Exhibit G – Letter to Kim Schlagel from Robert M. Noone, PC dated April 26, 2002; Exhibit H – Letter to Chris Manera, Colorado River Engineering, Inc. from Nathan Bell, Gamba and Associates, dated April 30, 2002; Exhibit I – Letter to Bob Noone, P.C. from Paul Bussone of Resource Engineering dated April 9, 2002; Exhibit J – Letter to Kim Schlagel from Chris Manera, Colorado River Engineering, Inc. dated April 3, 2002; Exhibit K – Letter to Kim Schlagel from Paul Bussone of Resource Engineering., dated May 1, 2002; Exhibit L – Letter to Kim Schlagel from Chris Manera, Colorado River Engineering, Inc., dated May 24, 2002; Exhibit M – Clark Subdivision Preliminary Plan application; Exhibit N – Mail Receipts; Exhibit O – Proof of Publication; Exhibit P – Garfield County Zoning Regulations; Exhibit Q – Garfield County Comprehensive Plan of 2000; Exhibit R – Garfield County Subdivision Regulations; and Exhibit S – Project Information and Staff Comments. Chairman Martin admitted Exhibits A – S.

This is a request for review of a Preliminary Plan for a four (4)-lot subdivision on 52.27 acres located 3523 County Road 103, Missouri Height. The applicant proposes to 52.27-acre parcel into four lots ranging from 10 to 20 acres apiece. Fred continued to review the project information and staff comments, recommended findings, and staff recommendation that included the following: The Planning Commission recommended Approval of the Clark Subdivision Preliminary Plan with the following conditions:

1. That all representations of the applicant, within either the application or stated at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning Commission.
2. The applicants shall inventory and map any noxious weeds as listed on the County Noxious Weed list and submit a weed management plan approved by the Garfield County Vegetation Director. The weed management plan shall be included within the subdivision covenants.
3. The appropriate Traffic Study area fees in the amount of \$384.00 per determined ADT minus the appropriate discounts will be paid at the time of Final Plat. School fees and Carbondale Rural Fire District impact fees, as to be determined, will also be paid at the time of Final Plat.
4. The applicant shall provide a water test for nitrates/'nitrites, bacteria, and suspended solids for all wells to be located on the property by the time of Final Plat. Additionally, the applicant shall obtain valid well permits per the decreed plans for augmentation, prior to Final Plat approval and provide the following information:
 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 two (2) dwelling units.
 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;
5. The ISDS management plan done by Gamba and Associates dated February 18, 2002 shall be included within the Subdivision Covenants.
6. Section 3.6 of the Subdivision Covenants shall be amended to state that the maximum height of buildings within the subdivision will be 25 feet instead of 27 feet pursuant to Section 3.02.07 of the Garfield County Zoning Regulations by the time of Final Plat.
7. The applicant shall obtain driveway permits for all newly created lots from the Garfield County Road and Bridge Department by the time of Final Plat.
8. The following recommendations by CTL Thompson in their report dated January 21, 2002 shall be complied with;

- a. The irrigation ditches that will remain in use near the proposed home sites shall be lined to prevent seepage to foundation areas, subject to approval of the appropriate ditch company.
 - b. Where moderately expansive material is present at proposed footing elevations mitigation in the form of specially designed footings or over excavation of the expansive soil shall be instigated.
 - c. Utility trenches shall be sloped or shored to meet local, State and Federal regulations.
 - d. A site-specific geotechnical study and design shall be completed for construction on each lot.
9. The applicant shall provide irrigation water to all lots within the subdivision pursuant to Section 9:51 of the Subdivision Regulations. The applicant shall provide an irrigation plan for Staff approval by the time of Final Plat.
10. The following reports shall bear the seal of a certified engineer;
 - i. The Resource Engineering water report submitted by Paul Bussone dated November 28, 2002
 - ii. Letter dated May 1, 2002 from Paul Bussone regarding the 4-hour pump test on Lot 1 of the Clark Subdivision.
11. The following Plat notes shall be included on the Final Plat:
 - a. "No further subdivision of these lots shall be allowed."
 - b. "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."
 - c. "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."
 - d. All structures
 - e. "Each residential unit,
 - f. "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."
 - g. "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries."
 - h. "All structures shall be within the defined building envelope provided on the Plat."

Bob Noone, Attorney and Nathan Bell from Gamba and Associates were present.

Respect to the Needman ditch. The land is served by the Needham ditch in which the applicant owns 88 shares and which has been used historically to irrigate about 12.6 acres on the 52 acres. These shares are not included as part of the irrigation plan. Each home will have up to 1200 sq ft of water.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a 4-lot with the testimony of the applicant and staff and the recommendations of staff. Motion carried.

**REQUEST FOR APPROVAL OF A PRELIMINARY PLAN FOR THE BOND SUBDIVISION,
LOCATED ONE (1) MILE NORTH OF NEW CASTLE OFF OF COUNTY ROAD 245.
APPLICANTS: DARREL, DAMON AND PAGE BOND.**

Don DeFord, Damon and Page Bond, Mark Bean, and Michael Erion were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A – Returned receipts; Exhibit B – Proof of Publication Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 2000; Exhibit E - Garfield County Subdivision Regulations of 1984 as amended Application; Exhibit F –Project Information and Staff report; Exhibit G – Bond Subdivision Preliminary Plan “Application”; Exhibit H – Letter to Garfield Planning Department from Kenneth Knox of the Colorado Division of Water Resources dated June 26, 2002; Exhibit I – Letter to Mark Bean from Brian Gray of the Colorado Division of Wildlife dated August 6, 2002; and Exhibit J – Letter to Damon Bond from Steve Rippy,

Town Administrator, Town of New Castle dated August 21, 2002.

Chairman Martin entered Exhibits A - J into the record.

This is a request for approval of the Bond Subdivision Preliminary Plan for a 4.009-acre tract of land located one mile south of New Castle, off County Road 245. The applicants are proposing to subdivide the tract into two lots of 2.005 and 2.004 acres each.

Recommendation:

The Planning Commission recommended Approval of the proposed subdivision with the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. As per Section 4:34 of the Subdivision Regulations, Preliminary Plan approval shall be valid for a period not to exceed one (1) year from the date of Board approval or conditional approval, unless an extension of not more than one (1) year is granted by the Board prior to the expiration of the period of approval.
3. Prior to approval of the Board of County Commissioners, a letter from the Town of New Castle verifying that both lots are presently served by the Town water system.
4. Required Plat notes:

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 owner's 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 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."

"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."

5. School site acquisition fees in the amount of \$200.00 must be paid prior to Final Plat approval.
6. Prior to Final Plat approval, a Road Impact Fee of \$993.20, less discounts in the formula must be paid.

Commissioner McCown added Condition No., 7 – a Driveway Agreement must be in place prior to Final Plat. And Commissioner Stowe added as a Plat Note "stipulating that prior to any further development of the property, all foundations should have an engineered foundation."

Michael Erion – the Bonds are in agreement with all the conditions of approval.

Damon Bond said the condition on the drive-way, they had to do a driveway agreement on the Turk Subdivision. They can submit this later. Damon said it was an easement and they had to change this to a shared driveway agreement.

Commissioner McCown concluded that if this was a driveway agreement that would be fine, but he did want a driveway maintenance agreement as well.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Preliminary Plan review as requested by Damon and Paige Bond with the testimony and the staff recommendations and to include No. 7 for a driveway agreement and the engineered footings as a plat note condition for any further development; motion carried.

REQUEST TO APPROVE A SPECIAL USE PERMIT FOR THE EXTRACTION (SAND AND GRAVEL) PROCESSING (CONCRETE BATCH PLANT, ASPHALT PLANT, CONCRETE CASING AND FORMING) OF NATURAL RESOURCES AND ASSOCIATED FACILITIES LOCATED APPROXIMATELY 1.8 MILES EAST OF RIFLE, NEAR THE MANN CREEK INTERCHANGE. APPLICANTS: JOHN MARTIN, RICHARD STEPHENSEN, SCOTT BALCOMB, JAMES AND JEAN SNYDER.

Tim Thulson on behalf of Roaring Fork Resources, Inc. and Sherry Coloia were present.

Carolyn Dahlgren reviewed the noticing requirements with Tim Thulson and determined they were in order and advised the Board they were entitled to proceed.

Mark Bean submitted a memo to the Preliminary Staff Report, which has resulted in the applicant requesting that the public hearing be opened, but continued to a date certain. The applicant will provide Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A – Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E - Project Information and Staff Comments – September 3, 2002; Exhibit F – Memo from Mark Bean to the Board of County Commissioners dated August 29, 2002; Exhibit G – Letter to Mark Bean from Tim Thulson, Balcomb and Green, P.C., dated August 28, 2002; Exhibit H – Letter to Mark Bean from Matt Sturgeon, Rifle Planning Director dated August 14, 2002; Exhibit I – Memo to Mark Bean from Jeff Simonson, Schmueser Gordon Meyer, Inc. dated August 19, 2002 and Exhibit J – Letter with attachments to the Garfield County Commissioners/P&Z Staff from Douglas A. Grant, received August 21, 2002.

Chairman Martin entered Exhibits A - J into the record.

Tim Thulson stated there were many issues and they are working with staff to bring these to conclusion and requested the hearing be postponed until October 14, 2002 at 1:15 PM for the hearing.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this until October 14, 2002 at 1:15 PM.

Mr. Doug Grant requested some information on this as well. He requested if these comments are submitted timely, he would have time to review. There are 26 issues and asked that this goes back to the Planning Commission to iron out those issues.

Sherry Coloia asked that this not be scheduled on October 14th due to a personal vacation schedule and requested at least one week out until October 21.

Motion carried.

REQUEST TO APPROVE THE ANNEXATION REPORT FOR THE STONEY RIDGE ANNEXATION TO THE TOWN OF SILT AND TO WAIVE THE ANNEXATION REPORT REGARDING THE 17.25-ACRE TOWN WASTEWATER TREATMENT FACILITY PARCEL.

Chairman Martin stepped down as Chair as he was the mortgage holder for a piece of land across the street from Stoney Ridge. Kelly Lyon submitted two letters from the Town of Silt to waive the requirement for an annexation impact report regarding the 17.25-acre Town of Silt Wastewater Treatment facility parcel and the Town of Silt would like the Commissioners to consider that there are no County roads adjacent to the property. This annexation and development makes possible conformance with the state statutes regarding wastewater treatment.

The Town of Silt respectfully requested that the Garfield County Commissioners waive the requirement for an annexation impact report regarding the Stoney Ridge Annexation to the Town of Silt. There are no County roads adjacent to this property.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to waive the annexation report for Stone Ridge; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to waive the annexation report regarding the 17.25 acre Town Wastewater Treatment Facility Parcel; motion carried.

Executive Session – Continued Road Issues and Sale of Property as aforementioned

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into a continued Executive Session to discuss the aforementioned items; motion carried.

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

Direction for staff:

Road Closure – Public Access into Forest Service Land

Commissioner McCown made a motion to authorize the County Attorney to draft a letter to Mr. Groff regarding the closure of a public road located at number 839 Forest Service located in the Big Mountain area in Rifle and to cease and desist; and the Chair authorized to sign the letter. Commissioner Stowe seconded the motion; carried.

City of Glenwood Springs – TIF

Commissioner Stowe made a motion to send a letter to the City of Glenwood Springs informing City Council that the Commissioners will be glad to continue discussions in an open forum and to authorize the Chair to sign; motion carried.

ADJOURN

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

Attest:

Chairman of the Board

SEPTEMBER 9, 2002
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 3, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

County Manager Update: Ed Green

- ***Award Bid to R and A Enterprises for installing a new addressable fire alarm system in the amount of \$38,940.00***

Tim and Richard presented the recommended Board action, which was to award the bid to R & E Enterprises for installing a new addressable fire alarm system in the amount of \$38,940.00 in order to replace the present fire alarm system with a complete digital protocol analog addressable fire alarm system for the Garfield County Courthouse.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid as recommended by staff to R & E Enterprises for \$38,940 for the fire alarm system; motion carried.

- **PATRIOT'S – SEPTEMBER 11, 2002**

Patriot Day is September 11, 2002 – a day to remember the victims of the attack and remind us of our military and emergency personnel who gave and continues to give their lives in the war on terrorism. President Bush has designated September 11th as Patriot's Day and requested that governmental offices honor this day by flying the flags at half-staff all day as well as having some type of ceremony during the day to memorialize the day. Chairman Martin put something together for Karen to put into the paper. City Council has approved the ceremony to be held in the flagpole area.

Chairman Martin read the following into the Record: "On September 11, 2001, our way of life and our very freedom came under attack in a series of deliberate and deadly terrorist acts. On December 18, 2001, President Bush signed Public Law Number 107-89 designating September 11th as Patriot Day. Patriot Day has been designated as a day that the US Flag should be flown at half-staff from sunrise to sundown, not just until noon as is done on Memorial Day. In addition, the people of the United States are asked to observe a moment of silence on Patriot Day in remembrance of the victims. Today, almost one year after the tragic event, Garfield County joins the rest of the nation in honoring the individuals who lost their lives as a result of the terrorist attacks. This Wednesday, September 11, all City and County offices will close at 11:45 am until 12:15 pm to meet around the flagpoles in the City and County Courtyard. Please join me in a moment of silence."

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to declare September 11th as Patriot's Day in accordance with President's Bush Public Law Number 107-89 designated this as a day to remember the victims of the attack and the County Offices will be closed from 11:45 a.m. until 12: 15 p.m. for a ceremony of silence at the Courtyard. Motion carried.

COUNTY ATTORNEY UPDATE: DON DEFORD

- ***Forest Service – Trappers Lake Lodge***

Don presented a proposed IGA with Rio Blanco to do the inspections during the construction of the Trappers Lake Lodge burned in the Big Fish Fire. In talking with the Forest Service, Don and Mark indicated to them that when there is a building on Government land, there is usually no building permit required. Chairman Martin added that the Forest Service would like to have Garfield County involved. The question before the Board today is, do they want to proceed to require building permits on Forest Service Land?

Commissioner McCown stated that he did not want to establish a double standard, it should be an either or situation. If the Forest Service is immune, then we will not require a building permit. Commissioner Stowe agreed and added that we don't want to start the process.

Direction to staff was to send the message to the owner, we agree that building inspections do need to be done, and however, no building permits are required by Garfield County and suggest they use Rio Blanco inspectors. County Commissioner Tim Cook needs to be advised and leave it open with whomever they select to contract to do the inspections.

- ***Executive Session: Litigation Update – Personnel and - not sure what was on this besides these items. 3- 1900***

Jesse, Ed, Mildred, the Board, Don DeFord and Carolyn Dahlgren were asked to be present.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items. Motion carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to come out of Executive Session and resume at 10:15 a.m. Motion carried.

- **Resolution approving amendment to Procurement Manual**

Carolyn Dahlgren presented the Manual. The entire Manual was not included but should be included with the Resolution.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Resolution and the amendment to the Procurement Manual. Motion carried.

- **CORE Services contracts – review and execution**

Carolyn Dahlgren presented the Core Service Program – Mental Health and Core Service Program – Substance Abuse with changes in paragraph No. 7 – Subcontract and Assignment (a) on Page 3 and on page 4 – (b). Lynn Renick submitted an e-mail from Ken Stein of Colorado West Mental Health that outlined the changes. Carolyn made those changes and verbally presented them to the Board. The dollar amounts for the Garfield County Board of Commissioners is \$10,708.55 per month for the Mental Health Contract and \$3,031.25 per month for the Substance Contract.

Commissioner Stowe made a motion to approve the corrected changes to the Core Services Mental Health Contract as presented by Carolyn Dahlgren; motion carried.

Commissioner Stowe made a motion to approve the corrected changes to the Core Services Substance Contract; motion carried.

Agenda for Tuesday, City/County Meeting

The Board was submitted the proposed Agenda for the meeting to be held Tuesday morning. They reviewed and discussed those items. With respect to Intersection of Hwy. 82, Ed said the preliminary engineering and preliminary drawing is all the County had. The bridge is 469 ft. in length of the bridge – the one that crosses south of the Airport.

Carl Hanlon – Fire District Fees

Don stated he had a discussion with Carl regarding the fees.

Commissioner Report

Commissioner Stowe – Republican Ice Cream Social – Wednesday, 6 – 9:30 P.M. Fairgrounds; Fairground Board Meeting – 7:00 P.M. – North Hall. Wednesday evening at the same time and Wednesday, Upper Valley Governments – 8:00 PM; Healthy Beginnings – 9:00 on Thursday 9-12-02; Communication Board – Noon on Thursday 9-12-02.

Commissioner McCown – 7 a.m. Meeting - City/County; Ice Cream Social 6 - 9:30 P.M. same as Walt. Oil and Gas Meeting postponed until October 2, 2002.

Chairman Martin – Response from Mr. Goff – road closure close to Moffat County; notice from Mr. Choco – discussions previously held with Tom Russell regarding a culvert and minor road repair CR 100 to clean up a section of road next to Carbondale. Marvin hasn't followed up at this time.

Commissioner Stowe said he had been getting calls on the roads in West Glenwood, specifically some potholes on Donegan Lane; the residents are upset and he is starting to get a lot of heat. He asked this to be followed up with Marvin.

CONSENT AGENDA:

- a. Approve Bills
- b. Sign the May Fly Bend Final Plat Subdivision Agreement for May Fly Bend
- c. Authorize the Chairman to sign an acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for The Clubhouse Cottages at Aspen Glen
- d. Authorize the Chairman to sign an acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for the Whitecloud Ridge Subdivision
- e. Authorize the Chairman to sign an acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for the Sunlight View II Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda, items a – e; motion carried.

- **2002 Budget Amendment**

Jesse Smith presented the Exhibits as well as the Resolution and explained the changes.

Exhibit A – Proof of Notification and Exhibit B – Supplement #7, dated September 5, 2002. Chairman Martin entered Exhibit A into the record.

Chairman Martin swore in the speakers.

Commissioner McCown stated that he was trying to understand that this is the first year for a line-item budget, but with these supplementals, it is defeating the purpose. Next year, these supplementals might not be approved.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Resolution concerned with the Seventh Amendment to the 2002 Budget and Seventh Amended Appropriation of Funds; motion carried.

PUBLIC MEETINGS:

WORK SESSION REGARDING THE AMENDMENT TO SECTION 5.03.15, KENNEL, OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED, BY WILLIAM PINKHAM.

Don DeFord, Mark Bean, Bill Pinkham and Bob Noone were present. Mark said there have been some additional discussions regarding the Amendment to Section 5.03.15 regarding the time restrictions for the dogs to be outside. Sunrise to sunset is the issue. Bob Noone stated why the sunrise to sunlight was important as dogs adjust to the light. They are comfortable with this. They expect that Bill Pinkham will be closely monitored on this factor. Chairman Martin reiterated how the various locations have different times for sunset and sunrise, also daylight savings, etc. Commissioner McCown – the official times for sunset and sunrise for Glenwood Springs and this would be set on. If there is one in Parachute, it would be governed by the Parachute time, etc. Commissioner Stowe – I'll go with the language from sunrise to sunset. Talking about the Resolution – Mark confirmed it should be in two (2) and three (3) – that allows for ascendance beyond the limit. Bob Noone – taking about just fifty (50) nighttime; fifty-five (55); daytime sunrise to sunset period. Mark Bean – no exceptions. Commissioner McCown – that doesn't coincide with my two (2) and three (3). Mark – no, what Bob is referring to is the Statutes, Number three (3) in the Statutes says, "periodic, impulsive or shrill noises shall be considered a public nuisance when such noises are at a sound level of five (5) dba less than those listed in Subsection one (1) of this section." Commissioner McCown – and one (1) is the fifty-five (55) dba. Mark – two (2) is in the hours between 7 a.m. to 7 p.m. and the noise limit is permitted in Subsection One (1) may be increased by Ten (10) dba for a period not to exceed fifteen (15) minutes. Bob Noone – Subsection One (1) is the actual standard, it gives the numbers, etc. Then Two (2) is ascendance and Three (3) is the reduction. Commissioner Stowe – Three (3) is approval of an ascendance, Don. Mark – No, we're not approving an ascendance, but we are, we're saying that it's going to be at fifty (50) and that there, I guess I have a little concern about Three (3) cause that's actually a reduction. Bob Noone – At the hearing, the discussions were fifty (50) at nighttime; fifty-five (55) at daytime. Commissioner McCown – Exactly. Bob Noone – and it's our request that we stick the fifty (50) at nighttime; fifty-five daytimes to eliminate any ambiguities. Commissioner McCown – But the time frame would be sunset and sunrise, as opposed to 7 a.m. and 7 p.m. Bob Noone – That's right. Commissioner McCown – okay, that's where I'm going. I'm okay with that counselor. Chairman Martin – There was only one other issue that may be a moot point. That is, if there is a violation of one or more of the items that are approved here would the possibility of removal of that Kennel. Mark Bean – Oh sure, you always have the right to revoke somebody's special use permit. Chairman Martin – And we need to put that in there so there so the kennel folks will understand that that is a possibility. Mark – that's built into the special use permit process automatically that is something in the regulations itself. Chairman Martin – So is would be redundant if we put it in this particular issue. Mark – I would think so.

Bob Noone – During the hearing, as Commissioner's Stowe comment, that if you exceed the fifty (50) decibel levels at night, this Resolution will also require you to build a kennel so you have a place to put the offending dog, which we have. Chairman Martin – doggy jail, sound-proof doggy jail. That would be one subject to review as all special permits are subject to the same rules. Commissioner McCown – the same number three (3) in the location where this Kennel is located. This would be the official time for the area – sunrise to sunset. Mark – I'll get a draft to the Chairman for approval. Commissioner McCown – That can be placed on the Consent Agenda next week.

WIC CONTRACT

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the WIC Contract for \$279,196.00 Subject to the County Attorney's review. Motion carried.

BUILDING AND PLANNING ISSUES: PUBLIC MEETINGS:

REQUEST FOR CONSIDERATION OF APPROVAL AN AMENDED PLAT FOR ASPEN GLEN, LOT D1

Tamara Plegl, Planner, Larry Green, Ann Darby, Karen Beard and John Warnick were present. Don DeFord noted that there was no record designating that Ann Darby of Hodge Capital Co. LLC. was their spokesperson. Chairman Martin verified that this plat was free of geological conditions. This is a review of an amended Plat submitted by Hodge Capital Company on Lot D1, Aspen Glen, Filing No. 1. The subject property is approximately 1.69 acres. The applicant proposes to amend an approved building envelope to accommodate a duplex unit approximately 2,900 square feet on each side, plus a two-car garage. They want to move the southern building envelope boundary approximately 20 feet from the approved location to coincide with the edge of the Glenwood Ditch Easement.

Staff Recommendation is to approve the amended plat application to amend the building

1. That all representations of the Applicant, either within the application of stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;
2. The plat shall be titled "Amended Final Plat of Aspen Glen ." Within 90 days of approval, the Amended Final Plat shall be signed and dated by the County Surveyor that was signed and dated by the Chairman of the Board and recorded in the Clerk and Recorder's Office of Garfield County. 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 a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.
3. The Applicant shall comply with the governing documents of Aspen Glen as they pertain to the subject property.
4. Prior to signing of the Amended Final Plat, the Applicant shall provide documentation from a certified geologist that the proposed building envelope expansion does not contain any geologic hazards, such as sinkholes.

Applicant:

Karen Beard – voiced her concern and displeasure of having the lot line adjustment. She and her husband own the adjacent ½-acre lot and they built a duplex house on it. She said that Mr. Wilson's has 1.17-acres and is proposing to build an 11,000 foot house. She added that she represents several homeowners from Aspen Glen who have the same concerns as her, that being the river access for the community and how Aspen Glen represents itself for the community. Riparian areas and important to maintain. She has walked the site and cannot understand why the building can be put on the lot within the building envelope. Patios and decks can be put outside of the building envelope. Should this be permitted, this could set a precedent for variances to get that much closer to the river. They personally have respected the conditions of the PUD. This is clearly a spec house and Mr. Wilson owns other lots – he's a very sophisticated real estate broker and has built in Aspen Glen. She added that it would make the value of his home more valuable if his home hangs over the river. Moving the building envelope would impact a lot of properties. From a personal standpoint, this would not be a good choice to make. Aspen Glen leaves to the County the decision as to where the building envelope will lie. This has passed the homeowners Association. The Review Design Committee is run by the developer and they focus on items including some aesthetically pleasing landscaping, height of decks, etc.; no home owners are involved. She asked if the DOW has been contacted for their comments.

John Warnick is a homeowner plus the entire back row sitting here today are homeowners. Concerned – when floating down the river, this is the first thing you will see, it's in direct sight and is located on the turn-around. 5 to 6 homes have built along the river's edge and all have abided by the building envelope. Wrong image for Aspen Glen, not the image to portray. If this is passed, the next lot will be asking to have a variance to have their building envelope amended for a better view of the river as well.

John – another point, when they purchased their lot, it was with the current building envelope and have abided with it. Now there is a request to amend.

Ann Darby stated they like to be sensitive but this lot line adjustment doesn't impact the view of other lots. They have taken considerations and have also been in contract with the DOW but they have addressed any correspondence. Mark Bean was asked questions to obtain clarification of the location. The Riparian areas are not affected. Ann Darby stated the proposed patios are within the building envelope and there is access to both sides of the duplex. Don Butterfield – homeowner at Aspen Glen explained to the Board that

driveway and garages are not supposed to face the highway. Ann Darby – commented with graphics and several plats were placed for the review of the Commissioners; she explained the necessity of the additional 18' saying it allows space to have a driveway and to access the auto court. Chairman Martin clarified the auto court as being an outside parking area – Aspen Glen requires them to have additional parking spaces. 2 in garage and 3 in the outside and for fire or truck turn around.

Don Butterfield suggested that the way it's proposed, they enter from the left and could enter it from the other side and would not have to move the entire structure back, you can turn it and move it to be within the building envelope. Could do this and not disobey the rules. Karen Beard – the right hand building garage wall – when she build her house, she had a common driveway with a common turn around area. It would work here and save the tight – some were not given that opportunity. Karen is 1/2 acre compared to this being 1.7 acres.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the lot line adjustment with the recommendation of staff. Chairman Martin stated that the integrity of the neighborhood, the architect, and the homeowners need to take a look at what was originally accepted by the Commissioners at time of Final Plat. He added that all the rules and regulations were in place and they were to be in stone.

McCown and Stowe – approved; Martin – opposed.

REQUEST FOR APPROVAL OF A SUBDIVISION EXEMPTION FOR THE MCKEE SUBDIVISION LOCATED SOUTH OF RIFLE, APPROXIMATELY ONE MILE OFF OF COUNTY ROADS 320 AND 317.

Don DeFord, Tamara Plegl, Paul and Pamela S. McKee and Tom Stuver were present.

Don reviewed the requirements for motivation with Tom Stuver. Don determined these to be in order and timely and he advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits were presented: Exhibit A – Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Garfield County Subdivision Regulations of 1984; Exhibit E – Staff Report dated September 9, 2002; Exhibit F – Application materials; Exhibit G – Letter from Mark Morgan, Fire Chief, Rifle Fire Protection District dated July 22, 2002; Exhibit H – Letter from Matt Sturgeon, City of Rifle Planning and Development Department dated August 23, 2002; Exhibit I – Copy of Well Permit for subject property dated July 6, 1993, and Exhibit J – Copy of Change in Ownership/Address/Location document.

Chairman Martin entered Exhibits A – J into the record.

This is a request for approval for the McKee Subdivision Exemption to subdivide a 40-acre parcel of land into four (4) parcels. Some of the neighbors have concerns and reported to her that the Beaver Creek has dried up. She reviewed the project information and staff report highlighting the description of the proposal, review agency comments, review criteria for subdivision exemptions, additional considerations for subdivision exemptions, concerns, staff findings and recommendation:

A. Staff recommends that the Board DENY the request for the proposed lot to be served by Beaver Creek as a water source based on the lack of physical and potable water supply from Beaver Creek.

B. Staff recommends that the Board CONTINUE the subdivision exemption request for three lots until updated water quality tests of the existing well are conducted to determine the quality of water produced by the well; and that the physical quantity of water produced shall be tested for dependability.

Tom Stuver – The applicant agrees that the only issue raised is the water. They believe the staff's recommendation is appropriate. Before the final plat is presented, a flow test and appropriate statement to supply three households will be submitted. There may be a neighbor or two to speak may be present. If the well does have enough the applicant can divert this water and distributed to the three households. With respect to the Beaver Creek water, he called on Mr. McKee. Exhibit K – photos of Beaver Creek taken at 8:00 A.M. this morning. This was admitted into the record. The City of Rifle uses Beaver Creek for some of its water.

Terry Broughton – 8789 CR 317 testified that the Creek has not run dry unless unlawfully diverted. Otherwise, this has been a source of water for 13 households. When the City is not using the Beaver Creek for its municipal water, it is still providing water to the 13 households. He used to lived on CR 320, moved across the road – had this City water right for 57 years. Only two occasions when this went dry. The gas company pumped it and they got this shut down. A timber proposal was done for Teepee Park and it went dry and they were using it to water the road. He believes a man has a right to use his property. For the water

in Beaver Creek, it has not dried up unless someone had dried it up. Understands that he can go to the further gate – now you can't go to the last head gate, they shut it off. This is supposed to be controlled to the City or the County. Never ran out of water for 30 years. The last two years, they have run out of water twice.

Paul McKee – put in a 700 gal storage tank – always had water. He approved it and has water storage. Paul measured the flow and filled 5-gallon bucket in 1-½ minutes. Straight off, the gravity feed on his property. Tom Stuver submitted Exhibit L – another photograph of the water storage. This is not metered. The Board inquired as to water for storage for fire protection per unit. Tom said he would have 1,000 per unit.

Commissioner McCown said they have added sprinkling to a lot of their approvals as well. *Tom Vondette* – next to the property, it belongs to Gary Knaus. He disputed, the water – it was raining this morning. No heavy mudflow – can plug the water line. Wells are drilling, watering lawns – in this area, this is likely to damage his well.

Commissioner McCown said this has nothing to do with the well permitting and will allow three households with one acre of domestic water. Tom Stuver – if it was interrupted in the winter, it could be used for stock watering. Three wells are on McKee's property. Tom Vondette – water he uses comes off of Mr. McKee and there are five users that his water comes off. The issue concerning water is that the Savage water is split. This is an extremely dry year – it's not the first year for a dry well. The City of Rifle told Tom Stuver that they are billing 13 for water usage at present.

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

A motion was made by Commissioner McCown stated that he did feel there are some questions that need to be answered and recommended to continue this until November 4, 2002 to allow adequate flow testing of the water and potable and flow testing; also to get with Road and Bridge on the proposed access points. Motion carried.

CONTINUED PUBLIC MEETING FOR CONSIDERATION OF JOINT REQUEST OF WESTBANK HOMEOWNER'S ASSOCIATION AND MARLIN (COLORADO) LTD. TO VACATE PUBLIC ROADWAYS.

Rick Neiley, Don DeFord, Mark Bean, and Sam Phelps were present. Don DeFord submitted the following Exhibits: Chairman Martin stated the Board will take any new and testimony exhibits that were requested. May take some public testimony but not all testimony, we've had so much. Don DeFord submitted the following Exhibits: Exhibit UU -

Original Incorporation Documents –

Colorado Midland Railway – properly formed and when formed; Exhibit VV – Deed from Mr. Gristy to Sullivan for a portion of property that would today be Prehm Ranch; Exhibit WW – Document from transfer Keck – deals with the particular transfer – Midland and part of the Jerome to Cardiff where part of Prehm is located. Just north; Exhibit XX – Deed of Trust to Midland Railroad in 1917; Exhibit YY – Deed to Carlton to Rigney – the interest transferred back to Westbank Ranch – Carlton and Rigney were the owners of Westbank; Exhibit ZZ –

Deed - Smart to Hughes for the Four

Mile Creek Ditch, in 1921 it indicated the ditch and did not interfere with that right of way – Colorado Midland Railway Grade; Exhibit AAA-

Deeds – Examples of the Railroad

right of way – whatever interest the County Commissioners had was transferring interest to private individuals for portions of the Midland Railway Grade; Exhibit BBB – Deed – McLaravy to the Board of County Commissioners in 1921, transfer to the County – showing how in the 1920's this was being done; Exhibit CCC – Deed to Carlton to Hammerich in 1922 – portions of the Colorado

Midland Railway

Grade in Jerome Park; Exhibit DDD – This document is actually a portion of the Deed transferring personal Property – a transfer of the residual – to A. E. Carlton in 1922. Carlton was the receiver – transfers the Carlton to the private – real and personal property; Exhibit EEE – Release of the Deed of Trust in 1922

wrapping up affairs. Receiver's deed; Exhibit FFF - Is the Receiver's Deed Transfer of A. E. Carlton as receiver to A. E. Carlton as a private individual for all residual property – Colorado Midland Railway in Garfield County recorded in Book 134 Page 346; Exhibit GGG – Quit Claim Deed recorded in the El Paso County Clerk's Records - A.E. Carlton to the State of Colorado – Colorado Midland Railway right of way

showing all Counties except Garfield County in 1922. Chairman Martin from the Deed of Trust, who claimed to own the right of ways – registered in El Paso, Lake Pitkin, Teller, (listen) Rio Blanco but not one was found one in Garfield County. Don- the first paragraph refers to all the county – not Garfield County that was on the right of way; Exhibit HHH - Another example of the transfer – a Deed from Carlton acting as private capacity in 1922 to McDonald for portions of the Colorado Midland Railway right of way in 1931;

Exhibit III – document as discussed before and entered previously at last hearing as part of the Shirley

Chavez report. This Deed was introduced and discussed by this Board and was previously presented to the Board of Commissioners in 1994. It is a Deed – Busk-Ivanhoe Company to Garfield in 1932 showing portions of Midland Grade Railway right of way. This Deed appears to describe property from the area of Cardiff south to the boundary between Prehm and Westbank Ranch. To this point some difficulties with this deed; Exhibit JJJ – A Quit Claim - Correction Deed – description of property transfer – Leslie G. Carlton and other to Keck; Exhibit KKK – Deed – Summers to County Commissioners – Portion of Colorado Midland Railway right of way – 1939 Other than the Buck Ivanhoe – these are simply examples of how the right of way; Exhibit LLL - Deed – Summers to U. S. – Portion of property in Glenwood Springs abutting the Rio Grand Western Railway right of way; Exhibit MMM – Unique Document – this is in the records -1974 document – affidavit, attorney’s opinion and deeds purporting to transfer all interest of A. E. Carlton as described in Book 134, Page 346 (Exhibit FFF) to Nelson – 1974. And attached are a number of deeds- in summary appears to clean up any residual deeds of Carlton to transfer to William Nelson; Exhibit NNN - Start to move to some Minutes – Board of County Commissioner – October 3, 1898 – Road Petition by Hardwick apparently to run across property now know as Westbank Ranch Subdivision and Prehm Ranch – running across to and connecting to Three Mile Creek; Exhibit OOO – Minutes of the Board of County Commissioners July 9, 1902 – Hardwick requesting payment request for the road built connecting the road at Three Mile Creek to Hardwick Ranch. This coincides with the Rosenberg map and Chapman; Exhibit PPP – Minutes of the Board of County Commissioners from 1921 through 1926, Road Viewers Report establishing the request to establish the portion along the Midland Railway; Exhibit QQQ – Same – Minutes of the Board of County Commissioners – 1928 – Road Viewers Report concerning Midland Railway right of way; Exhibit RRR – John may want to elaborate on this; he found it in Pitkin County – Original Incorporation Documents – 1932 to December 1932 - Busk-Ivavhoe came into completion of December 1932. John did locate a deed; Exhibit SSS – Deed recorded in Pitkin County – Records of the Pitkin County Clerk and Recorder - March 15, 1933, Book 261, Page 503 and this does indicate a transfer of property from purported executors of A. E. Carlton too the Busk-Ivanhoe Company. On page 2 to the bottom of page 3, the description appears to include right of way in the vicinity of Westbank Ranch and Prehm Ranch. In 1933 difficulties for 1932. Maps - Exhibit TTT – Map depicting County Road 163 and 116 from the 2002 map in the vicinity of Cardiff; Exhibit UUU – Map and enlargement from the County Assessor’s Records depicting old railroad right of way in the vicinity of Prehm Ranch. This indicates the railroad right of way – Given a copy to Sam Phelps - may help him; Exhibit VVV – Current map in the County Assessor’s Office; Exhibit WWW – these are maps that John obtained form the Colorado Department Of Transportation – depicting the Midland Right Of Way covering the entire Right of Way for the area of Cardiff, Prehm Ranch and Westbank Ranch and these appear to have been created prior to 1902 - 2 maps; Exhibit XXX – Transcript of Minutes of the Board of County Commissioners of August 19, 2002 submitted to refresh the proceedings; Exhibit YYY – lastly, A draft of the proposed Resolution to Vacate Roads and rights of way traversing the Preserve at Prehm Ranch and Westbank Ranch Subdivision and Further Disclaiming any Interest in these public roads or rights of way as required by Section 43-2-303 (2) (b), C.R. S., as amended. This is not a document you’ve had before you – the Board has been provided a draft. Under state law, they need to consider this and make a decision one way or another. Chairman Martin - Thank you Don. Rick Neiley stated some of these he has not seen before. Steve Beattie – Nor has he at least not an index and in the form of a Resolution. Chairman Martin entered Exhibits UU through YYY into the Record. Don called upon Sam Phelps to answer questions related to some of the exhibits as well as the information Sam was able to discover in the surveys requested at the August 19, 2002 meeting. Sam Phelps indicated that even after reviewing the exhibits, these was of little assistance in locating the 1902 legally roadway through Prehm Ranch and Westbank Ranch. He confirmed that they do not show a road north. The purpose was to delineate the Midland right of way and not the County Roads, simple supplemental information and not for graphic purposes. If he was called upon to transverse the land, these maps would be useful. Sam also verified that he had examined some loose filings in the Clerk & Recorder’s Office of County Roads as related to Exhibit UUU, which was an enlargement map from the County Assessor’s Records depicting old railroad right of way in the vicinity of Prehm Ranch. This indicates the railroad right of way. Sam also stated that in terms of locating the 1902 road description, this map could help answer the question if the roadway tied into Lot 13. It shows the right of way and the governmental lots and if he had to locate the road as it lay across Prehm Ranch it would definitely help him. However, to delineate the 1902 map it would require him to do an actual field survey. Don DeFord called upon Dean Hubbell to answer some questions. Dean Hubbell – owner of Commonwealth Title, responded to questions posed by Don in reference to the deed from Busk-Ivanhoe

and the chain of title as in Exhibit III. Dean said he had not discovered any other documents as a title examiner that transfer the roads back to Garfield County nor did he find any vacating Resolutions. However, Dean said he did find a very generic description of a gas line running parallel to the road in question. In answer to Don's question regarding the previous discussion about the Midland right of way, the Prehm property was patented in 1883 by John Patton and the conveyance came from to the railroad. In one of the maps that John Martin located from the Colorado Department of Transportation, he ran across the name, William W. Grisby and in looking further he found some information that tied to it the 1886 Declaration of Occupancy and Conveyance of 1886, on Book ___, (Listen) Page 118 – Colorado Midland Railroad. Next is John Darby and it conveys to John McMillan. The interest he had when he conveyed it to the railroad, and Dean said he was speculating that the right of way conveyances were before the patent. Commissioner McCown – admitted he was confused and clarified that Dean testified that this was not recorded in Garfield County. If this is not recorded then there is no clear title, then none of the property actually transferred back to the existing landowners. So it remained – not a good title and not transferred. Dean responded that the County right of way Deed in 1903 indicated there was never a vacation and it was never conveyed to any 1886 deed. The Busk-Ivanhoe Deed of 1933 – conveyed it back to Garfield County but these records were not found in this County, they were found in Pitkin County. Commissioner McCown asked Dean if he could explain any logic reason that Garfield County records would be excluded. Dean said he didn't know but the transfer did contain Garfield County property but in order to give legal notice it must be recorded in the property records. Steve Beattie inquired of Dean regarding the Jamarron property and the road across. Dean said the un-patented roads are as good, it was deeded. Chairman Martin clarified that A. E. Carlton and Leslie G. Carlton shared ownership/receivership. Dean said he didn't know and that even if the wife was the executor on the Articles of Incorporation, it would not necessarily be a logical transfer of ownership, there needs to be something in Garfield County stipulating this otherwise there would be no legal merit as it was only recorded to the Pitkin line. Rick Neiley stated that the evidence doesn't really create anything different from the information when we had the first hearing in April 2002. He affirmed that we know the gate has been in place on the Prehm Ranch since 1932 up to 2000, 75 years and if this transfer is recorded in Garfield County, it's not binding upon them. His client relied on documents in Garfield County and except for Chairman Martin's research, no one would have found these documents or would even know about them. However, he didn't think they establish the County's right of way's across Prehm ranch. What we've presented here is a mess. Maps showing old roads and we know there was an old road 70 years ago and submit that's exactly what the hearings in January and April of this year was doing, to clean up these old residual title issues that once existed in specific locations to delineate roads to Westbank. He stated there were probably numerous properties in the County subject to old right of ways and the 1920 road map potentially affected a lot of property and probably included Aspen Glen. Records maintained in Garfield County concluded no recorded information regarding these right of ways and now today the County should not burden property owners with what occurred over the last 70 years. The County, in November 2000 granted an exemption to Marlin (Colorado) Ltd., they approved a Special Use Permit to Marlin in 2001. In August of 2001, the County vacated the road, which they disagreed was not necessarily in the public health and welfare of the citizens. In January 2002, a settlement was reached to resolve ancient title issues; on April 8, 2002 the 1902 map was discussed and the hearing was fully attended by Westbank Ranch and other citizens. A Resolution vacating all right of ways was approved by motion. In May 2002, a rezoning Resolution was approved to Prehm to allow open space and now that action is being debated. However, people relied on the actions of the County and lots were sold and plans were made. Today with 78 new documents, there is nothing different, all of these issues were raised in the April 8, 2002 hearing and there is no new evidence, which establishes a right of way through Prehm, neither for the Midland right of way. There is nothing to conclude the right of way unless there is more legal intervention to determine the rights and interests. The right of the Settlement Agreement was to establish the Exhibit submitted as YYY – the Resolution to vacate roads and rights of way traversing the Preserve at Prehm Ranch and Westbank Ranch Subdivision and further disclaiming any interest in these public roads or rights of way as required by Section 43-2-303-(2) (b), C. R. S. as amended. Therefore, he encouraged the Board of County Commissioners to sign off on Exhibit triple Y and allow Marlin to go on to maintain the open space and the limited development on the Prehm Ranch property. Steve Beattie said there was little to add to what Mr. Neiley stated but he wanted to address the interest of the public. No doubt that public interest is very strong and he wanted go on record that the public interest is what each one has in mind. As a created assumption, if Garfield County owns rights through Prehm it would be a disinterest. He said he doesn't disagree with the proposition. He agrees with Neiley that going through the

77 exhibits submitted during this additional consideration, that if there is any flat piece of property in this County, then the County could go back and claim and assert county rights. Regarding the statements of giving up public rights, this very questionable if any public right would be established. It was noted there was not any use of the road or right of way through the Prehm property or Westbank for 70 years other than the public roads created for the Westbank Subdivision. At the Homeowner's meeting, we did advise them that the potential of a public road or right of way through Westbank Ranch could turn into a 4-lane road and we urged them to consider the Settlement Agreement. Today, he would request that the Commissioner reconfirm their previous action on April 8, 2002, to be reasonable and leave matters as they approved and don't engender further strife. Don DeFord made a clarification in Steve's comments saying that Exhibit YYY is a document that has not been before this board. A motion was made to approve a Resolution on April 8, 2002 but this is the first time the Resolution was presented. John Haines addressed issues that Westbank Ranch homeowners who bought their property and built their homes 20-30 years ago relied on title searches. He also voiced his opinion regarding the issue of Oak Lane and how Marlin punched through a road connecting Westbank and Prehm Ranch. The Settlement Agreement was reached between Westbank and Prehm based on the potential cost of additional disputes in court. After spending some \$60,000 fighting the road, Marlin did it anyway. Now at least they have a limited amount of traffic. He read Commissioner Stowe's motion of April 8, 2002 approving the Settlement Agreement. He urged the Board to stand up and sign this thing. He referenced the Newspaper's local's choice award for the best of the best and the worst of the worse in 2001. The overwhelming political blunder was for Garfield County to allow Prehm Ranch to punch a road through Westbank. He reminded the Board and the public that a bike trail has already been approved on the Denver Rio Grande railway right of way. Use that to build the bike path from Glenwood Springs to Basalt. It has already been completed from Basalt to Aspen. He accused the County of costing the Homeowner's Association of Westbank \$60,000 if they do not sign the Settlement Agreement. He made additional claims that the majority of Homeowners in Westbank still favor the Settlement Agreement although there will not be an official meeting held until September 25, 20002 to have an accurate count. Chairman Martin – maintained that in doing all his research he is convinced that there is a public road right of way however Westbank has no real reason to fear that a road is coming through their subdivision. However, if there is a publicly owned right of way through Prehm Ranch that may connect to Westbank, it should not be given away. The County protected Westbank and it was disclosed in the 50's but this was not the case with Prehm and other sections, therefore we need to keep researching and know the facts. John Hoffman – urged the Commissioners not to repeat the same mistake. He submitted maps by National Geographic, Exhibit ZZZ showing the line of the right of way adding that there are very few places to get through where it's shown as it swings down and follows the bank. The map does show that there was a right of way and encouraged the Board to keep it and develop it for all equestrian, bicycle and pedestrians as a Trail. Tom Zimbroski – Encouraged the Board to keep this if there was a public right of way for trail that links this valley as an alternative method of transportation. Dan Duroux – If the County does in fact own right of way through Westbank and Prehm Ranch, then there's no reason to allow the Prehm to use Oak Lane as an access. The Board needs to officially block that access and create a hiking and bike trail. Suzy Duroux stated that she disagrees with John Haines; the attorneys have cost the Homeowners \$60,000. They as homeowners have not been asked how they feel about a bike trail going through Westbank Ranch. The Settlement Agreement is a is a detrimental to them and the Commissioners and the Homeowners made a decision on wrong information. The people that bought property in Prehm Ranch did so under false advertising. She favors shutting the road through to Prehm Ranch and favors a trail. Oak Lane is illegal. Shut the illegal road down and do what's best for everyone; yes to the trail and no to the road. Bob Lucas stated that 70 years ago this right of way may not have been that valuable, but now it is. Glenwood Springs has expressed their interest and asked the Board of County Commissioners to reconsider consider their decision. Bruce Christensen agreed with what Bob Lucas stated. Things have changed in the last 70 years and if the County gives something, they own away it will be lost forever. He said he greatly respects the Westbank folks but the Board has an obligation to look out for all the people. Jeannie Golay – Lova Trails – The mission of Lova Trails is to design and build a trail. Strongly supports the use of the Prehm corridor for recreational use As a private activity – consider the facts – Board has committed funds and in-kind contributions to the Lova Trails system and she wanted to voice support for the trail through Prehm. This needs to be considered as transportation corridor and feels more people would leave their car at home if there was an alternative transportation corridor for bikes and pedestrians. If you built it they would come, no one dreamed of the numbers that would be taking advantage of the busses. She said that now busses are part of infrastructure and it is true with trails. Kids would be able to ride bikes to Sopris Elementary School.

There are minimal impacts on property by people riding bikes. She encouraged the Board to consider before they give up the right to the road. David Harris, Land Title – said he wasn't going to speak until Mr. Neiley gave his comments. He called it confusion of the enemy. Applicants for requests to the County are to give full disclosure; the County owns a piece of land and should not give it up. Commissioner McCown inquired as to the legal description. David Harris referenced the RS 2247 Road and referenced the statutes enacted to tie pieces of property legally. Commissioner McCown said he is looking for a point of clarity, if it ends at the property line of Westbank, this is a road across the Prehm ranch but if you can't get to the end of oak lane if or the County is not granted an easement to connect then the County owns a 60' right of way that would end at Westbank Ranch. Commissioner Stowe said we're actually a few 100 feet short and the rest would be by prescriptive use. Mike Hiller addressed John Haines comments and disagreed that the County was responsible for the cost to them of \$60,000. He said the Commissioners have a right to review new information. The Homeowners were given one vote on this issue in December of 2001. Since then there have been numerous issues that has come up regarding what the road was all about The Homeowner's Association board and Steve Beattie, their attorney should give us another vote on this settlement. They did have a meeting but it was not to dispute the decision, it was information only. This is not fair to all homeowners to be included as in favor of the settlement. He apologized to the Board once again stating this was not your cost; the attorneys cost us this money. Sterling Page – Early in the meeting today, the County survey said he could plot with a survey, feels he should have addressed that, and continue to find where that road is.

Commissioner Stowe requested to have a very brief two to three minute Executive Session to discuss a legal question pertaining to this issue before the Board goes into discussion on this matter and formed that into a motion that was seconded by Commissioner McCown; motion carried. Commissioner Stowe said he would need the three Commissioners, Mildred Alsdorf and himself to attend. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive session; motion carried.

Chairman Martin asked if the Board had enough information to go forth. John Haines said while the Commissioners were in Executive Session a fellow by the name of Mark Becker said he should have spoken but he had to leave. He said that he just wanted to say that he was happy with what the Board had done, one of those citizens that agreed with what we'd done, Nancy Carlson also said she talked to Eric and Judy Martin and Dennis and Terry Drake and they both felt the same way too. But other obligations kept them from being here, so there are people and you've seen the other side of the coin today where folks have sat here and said, no we think we ought to do something else, and I think Dan Duroux had a great idea, run the trail along the River, absolutely gorgeous, great place to be, but it isn't going to make everybody happy, you guys don't have rights of way down and everything else, so stick it on the old Rio Grande Railroad, if that's what they want to do and then say yes to the Stipulation. Thanks.

Discussion or Motion: Commissioner Stowe – The Resolution was that filed in a timely manner, but I'd make a motion that the Chair be authorized to sign the Resolution today in support of the agreement originally proposed on April 8th and I would like to follow that with some discussion. Chairman Martin – Okay. Commissioner McCown – I'll second. Chairman Martin – All right, we have a motion and a second, we know open it up to go ahead and have a discussion on this. Commissioner Stowe - Seems clear to me from all your research, John, and everything you've done and I appreciate the time you spent in this, the Midland Railroad right of way was never truly established within Garfield County, I think we'd have a hard time proving that that was an existing right of way that the County has claim to. The other road that comes across there, yes there is some deeded property there but it does fall a couple hundred feet short of the Westbank property and once it gets to the Westbank property, even if we could prove it's prescriptive use at the end of that deeded right of way for that last hundred or two hundred feet, we still have the problem of getting it across the Westbank property to some sort of a uh County owned right of way, that would probably require some condemnation of personal property and/or an easement granted or purchased from a landowner. From that point on, as it's been pointed out several times, the homeowners of Westbank would have a myriad on bicyclers going through their property. I'm not sure that's what they really wanted, I don't know that that's impactful or not but I do know that the roads in Westbank currently as they are built would need to be widened considerably and whether the Homeowners have done it on, I'm sure they haven't to any purposive intent, but uh Sixty foot right of way that the County only pays Twenty-feet of it, you naturally landscape up to the road right of way and that would impact a lot of people through Garfield

County, or through Westbank. If there is any question about clouded title through Westbank, this will clear that up and the Title Companies themselves, maybe they have an obligation there, maybe they don't, if this property was abandoned or sold back in the Fifties then obviously they don't, so in view of everything that's been presented to me, I don't really feel the County's giving up anything, it's a road that hasn't been used for Seventy-years. I do support trails, but I do believe it's been pointed out, we have a trail opportunity along the railroad corridor. Yes, it's going to take some time and money to build and yes, we'd like trails into everybody's little private wooded area in this County but it's not going to happen. There's a lot of roads out there that we could go back and research and try to establish as it's been pointed out here, and I'm sure that if you looked at enough Road Viewers Maps you could find that in almost any sizeable parcel in the County. I don't think that's our job. Our job is to serve the citizens and to establish some sort of order for property owners and when they buy property and it's deeded as a certain way and there's certain right of ways pointed out on it, or there's certain easements point out on it, then that's, they have to deal with it, but if those aren't there I don't think you should come up to bite them six years later. That's all I got. Chairman Martin – Any comments. Commissioner McCown – Well I would echo Walt's sentiments and then I would also like to add some that it's through the review and the reams of paper that's been presented to us, uh, we still have a very very potential gap in this right of way and everybody has talked about being a trail. Folks, this is a public right of way, Sixty-foot wide – it could be a road. It does not anywhere say that it will be a Trail. If this is determined to be a sixty-foot right of way and it does connect to Oak Lane, hang onto your hats folks. So I think it is in the best use. I don't think there would be anyone in this room here today if Mr. Prehm still owned this property. I don't think anyone would be going after him as an individual to punch a trail across an alleged Sixty-foot right of way across his property. I think this has all surfaced later during the negotiations with Prehm Ranch and Westbank. I assure you that one-third of this Board that is speaking to you has done what I feel has been in the best interest of the majority of the residents and taxpayers of Garfield County. I don't think there has been any clear use of the assumed right of way for the last Seventy-years; I don't think there has been any maintenance on it, none that has shown up, and I have a real reluctance to wonder where that may come into the Westbank property. It may be in the middle of someone's lot either east or west of the Oak Lane, uh intersection and that is going to cause a road to nowhere. That's where I'm coming from on this issue. Chairman Martin – Well, I have a different point of view and that is, I talked to Ed Prehm. He and his father put up that gate and they knew it was a County Road and Ed knows it was a County Road and spoke that it was a County Road to me. The reason that they put it up was to keep their cattle on. The other is that we had a petition, it was signed, it's a Resolution and order by the County Commissioners in 1899 accepting the road, challenging the people to build a road, farm to market road, because it needed to be done, the county didn't have the money to do so. The County then purchased each one of those pieces of property that connected that road from One-zero-nine (109) to Cardiff. And, we have those deeds. That road has never been vacated, it has never been done away with and the only reason the gate was up there again, was because the cattle were getting out. So, at that point somebody found another way down Highway 82 and at that time the Midland Railroad uh was dissolved, the rights of way were sold off, Garfield County had numerous pieces of property and I do believe that in Garfield County records you'll find that they did own that right of way. It hasn't been located as yet, but yet again the reams of paper we have in front of them weren't found either. So I think that we need to continue to search for that and I think it's premature to say that we're doing away with this right of way to benefit the public cause I don't think that we are. I would like to not say, or I would like to say to those that were at the Homeowners Association that John Martin wanted to punch a Sixty-foot right of way through Prehm Ranch and Westbank Ranch, are incorrect. That's the fatherliest thing from my mind is doing that. What I'm trying to do is protect the interests of the citizens that don't live in Prehm Ranch and Westbank but still have ownership. What it amounts to is this is not the best use of this property, that we need to find a compromise and the only way to get there is to prove that there is a road and a right of way through Prehm Ranch. And, that's what I'm attempting to do. And then sit down with Mr. Neiley and his client and come up with the best solution to both of our problems, not just Westbank's and not just Prehm Ranch but everybody's problem. We're not going to get that opportunity if we vacate this road. So, that's my opinion. Let's call for the question. All those that wish to support the Resolution uh vacating public roads and right of ways traversing the Preserve at Prehm Ranch, Westbank Ranch Subdivision and further proclaim any interests in those public roads or rights of way. Commissioner Stowe – aye; Commissioner McCown – aye; Chairman Martin – I oppose. Don DeFord – Given the motion that occurred we have a Resolution in the packet, do you intent that that be signed as is. Commissioner Stowe – Yes, I do. Don DeFord – Then I think we should proceed to that if that's all right. Mildred Alsdorf – Do you have

the original. Don DeFord – I only have the copies. Chairman Martin – That was a motion to go ahead and authorize the Chair to sign the Resolution. Don DeFord – The question I have, there are other issues now outstanding on the Settlement, are the Board members available for discussion if I need to call you tomorrow. Affirmative by all three. Don DeFord – There are questions, the questions I raised, I know we're on the record, so I won't give specifics but there are questions on their compliance with the conditions of approval that are still outstanding that we actually have to address because we've let sit because this other things been going on. Chairman Martin may not be in town, Commissioner Stowe will be in town, and Commissioner McCown can be reached by cell. Mildred Alsdorf called to Don's attention that the Resolution was dated the 8th of April. Don DeFord – Should be May. Excuse me, not May, it should be today, why don't I do an original? Agreed. Commissioner McCown – What happens if the Judge throws a kink in all of this? Commissioner Stowe – I think he'll be happy with this. Don DeFord – I think he will, I don't think he'll do that. There's nothing for him to decide, the basis of their motion is gone, but there are some other issues that no one has addressed yet and that's... Commissioner McCown – We still have issues, will that come to light in the meeting Thursday, or Friday? Don DeFord – No, because we haven't raised them yet. Those are issues still to come. Mildred Alsdorf – The vacation, this is all this was about. Don DeFord – The vacation, that's all, the whole gist of his motion so we need to step back at this point. So I don't think anything will occur Friday, but I wasn't going to commit to it to them until I had a chance to sort it out.

Recess until 7 a.m. tomorrow for Joint City County Meeting at City Hall.

Attest:

Chairman of the Board

SEPTEMBER 16, 2002
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 16, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Sid Lindauer submitted a letter to the Board and identified the problem was with noise from the gas compression engines and fan units used by the oil and gas industry to extract water, carbon dioxide from their natural gas pipelines – Williams Energy – now EnCana. Requested the Board of County Commissioners become involved to monitor and control the noise. The units are uncovered. Sid submitted two other letters with the same complaints – Howard and Sarah Orona and Gerhardt and Sandra Aldersea. Chairman Martin suggested having a meeting with EnCana Oil and Gas, formerly Williams Energy had stated they were willing to work with the County when they came before the Board with their project. Mark was asked if there could be an ordinance on noise. This is an issue between gathering lines and transmission lines. This one falls under a gathering line and may be on the edge of both.

Commissioner Stowe felt we should be able to impose some standards to mitigate noise when it starts to bother the public. He requested Mark follow this up.

The sound meter was once again discussed and Mark was asked to follow up on it.

COUNTY MANAGER UPDATE – ED GREEN

- ***Budget Request from RETA*** – Executive Director Dan Blankenship, Dan Richardson, City of Glenwood Springs Council representative, Mike Davis and Jan Gherardi Citizens Advisory Committee

This is a request for funding for Roaring Fork Rural Transportation Authority (RFTA). Dan submitted that RFTA is requesting a grant of \$25,000 in 2003 to support public transit services currently being provided to residents of unincorporated Garfield County. A graph survey conducted by RETA in 2002 indicate that approximately 58,950 or 1.83% of RFTA's 3.2 million annual boarding and alightings in the Highway 82 corridor originate or end at bus stops located in unincorporated Garfield County. It also reflects that people traveling within unincorporated Garfield County or between Glenwood Springs, Carbondale, El Jebel, and Basalt are making 66% of the trips beginning or ending in unincorporated Garfield County.

He concluded that RFTA's 2002 budget for operating, capital and other expenses related to regional transit services total approximately \$6.5 million. If allocated based upon boardings and alightings alone, Garfield County's share of RFTA's total regional costs would be approximately \$119,000 in 2002. If Garfield County had opted to join RFTA and its voters had also approved a .4% sales tax levy in the unincorporated Roaring Fork Valley portion of the County, Garfield County's annual contribution to RFTA would have been approximately \$178,000 in 2002.

Public transit serving communities in the I-70 corridor between Rifle and Glenwood Springs was implemented by RFTA on April 14, 2002. Ridership on the I-70 corridor service for the partial month of April totaled 553 passengers. Ridership for the full months of May, June, and July totaled 1,243, 1667, and 2,486 passengers, respectively.

In summary Dan said the RFTA Board of Directors looks forward to developing a closer working relations with the Commissioners and is hopeful that the County will identify resources in 2003 to help support RFTA transit services provided to people living in its unincorporated boundaries.

Mike handed out the fees for RFTA and stated the rider ship is more in Rifle than in Silt and New Castle.

The fare from Rifle to Glenwood Springs is \$4.00 each way.

Commissioner Stowe requested the rider ship from each town, city.

Chairman Martin favored the \$25,000 for RFTA saying he had surveyed some employees who ride the bus and it is well worthwhile.

Attachment B was handed out showing the jurisdiction of where the rides are to and from and within Garfield County. Most of the I-70 trips are within the I-70 corridor.

Mike Davis had a request from the Transportation Plan – 1-1500 – asked one BOCC to serve on this Transit Advisory Committee with the first meeting 9/25/02 – 10 AM – Eagle. This is a multi-county study.

- ***Designation of Supervisor of County Roads***

Colorado Statutes states the Board is to design a supervisor of county roads in the absence of Tom Russell. Marvin Stephens was recommended to serve in this capacity for the remainder of the year with Ed as his immediate supervisor.

Marvin stated he has 29 years of service with the Road and Bridge.

Commissioner Stowe made a motion to appoint Marvin Stephens as acting Road and Bridge Director through the end of the year. Commissioner McCown seconded. Motion carried.

- ***Consultant Services Contract for Strategic Plan***

This purchase of consulting services agreement is between the County Commissioners and Lisa Pavlisick, Contractor. The contract would be from September 19, 2002 until the 31st day of December 2002. The contractor would be paid \$30.00 per hour compensation for approximately 20 hours per week a not to exceed amount will be incorporated. Ed estimated for the remaining of the year it would not exceed \$9,000 to \$10,000.

A motion was made by Commissioner Stowe and seconded by Commissioner to appoint Lisa Pavlisick correcting the verbiage in the first Whereas clause in an amount not to exceed Lisa's salary for the remainder of this year.

- ***Fund Balance Update – Lois Hybarger***

Lois presented three documents stated the County remains in a very stable financial position.

The line item budget has been successful and has kept the supervisors on target with their expenditures. Direction was requested on the issue of inter-fund loans and transfers. Lois said these are within the Landfill, Airport, and Conservation Trust Funds.

COUNTY ATTORNEY UPDATE – DON DEFORD

Municipal Prisoner Update

Don DeFord and Sheriff Dalessandri were present.

Don DeFord presented the Detention Facility Services Agreement and explained that the Municipality agrees to pay the County, pursuant to a monthly billing by the County, the amount of \$15.00 per day per prisoner incarcerated in the facility. He further explained that this contract meets the expectations outlined by the Sheriff Tom Dalessandri and the municipalities. The minimum detention has been prepared to accept municipal prisoners since August 1, 2002.

Comments have been received back from several individuals and projected there would not be many changes.

Unless there are significant comments received back from the Municipalities, Don projected signed contracts by October 1, 2002.

Tom stated the municipalities collect the revenues from the prisoners and therefore the \$15.00 is a fair assessment. This is a service and not a moneymaking

David McConaughy, Attorney for New Castle and Rifle was present. There was a problem with the agreement and he explained he wanted clarification on the taking of pre-sentenced prisoners.

Executive Session – Current Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss litigation items; motion carried.

Ed, Jesse, Mark, Don and Mildred were requested to attend the session.

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

Action

Don asked the Board to consider a motion to direct the Clerk & Recorder for recording pending receipt of an amended plat consistent with the Settlement Agreement.

Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

Information – Public Utilities Commission – Qwest and PUC Attorney's Telephone Conference –

Carolyn Dahlgren provided the Board with an update on the proceedings of the County and municipalities request saying Quest's lawyer had promised her that she will give the County a red-lined version of the latest document sent to her. The telephone conference will be held at 9:00 a.m. Tuesday morning, September 17.

Grant Assurances – EA from the Airport

Carolyn stated that this is a grants assurances regarding our EA from the Airport. This is a document requiring the Chairman's signature certifying that the Board of County Commissioners of Garfield County accepts the money subject to our usual list of federal assurances. This is for the Environmental Assessment,

Howard Dunkelburg. The Board has already approved the grant going to that entity but now we need the Chair's signature on the federal paperwork.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the document. Motion carried.

Core Services Agreements

Carolyn submitted the Core Services Agreements for Mental Health and Substance Abuse signed by Ken Stein, the contractor and the Chairman of this Board. They have gone out to the other eight Counties but we have not received those back with the signatures from the other counties. The group of DSS Directors have called for an October 29th meeting to discuss these contracts. If there are some contract negotiations going on, she will update the Board.

COMMISSIONER REPORT

Commissioner Stowe – Lower Valley Trail – Silt; Tuesday, Down Valley; Personnel 1:30 Wed. Ice Cream – Battlement Mesa – 7:00 A.M.; Dan Blankenship – RFTA – Thursday – Healthy Beginnings – 9-11 a.m., BOE- next Monday at 9:00 a.m. Next week – Mountain Resort – 3-day forum Wed – Friday; Rural Resort Meeting on Wednesday 1 – 4 in Steamboat.

Commissioner McCown – Communication Board 1:30 this Wednesday at the Rifle Communication Center plus all the things mentioned by Commissioner Stowe.

Chairman Martin – CCI on Friday and brought up Smart Growth – use of the model land use code and announced Garfield County was taking the lead, 14 counties were present and agreed with the concept. Proposed by Delta County for change on definitions on the oil and gas industry. The State is putting together a task force on all water structures are identified and prioritized. This includes any diversion, dam, reuse of water, irrigation systems, etc. This will be enacted by Legislature. Club 20 created our own group – Prozac Club dealing with all the projects proposed in Colorado. PILT and others on land use projects. NACO and PILT – Chairman Martin received a nomination for 4-trips to Washington as the representative from this area. A commitment of about 18 months.

CONSENT AGENDA

- a. Approve Bills
- b. Authorize the Chairman to sign an acknowledgement of partial satisfaction Subdivision Improvements Agreement for Clubhouse Cottages at aspen Glen
- c. Authorize the Chairman to sign the WindRiver Development LLC, (Blue Creek Ranch) Floodplain Special Use Permit Resolution
- d. Authorize the Chairman to sign the WindRiver Development LLC, (Blue Creek Ranch) Planned Unit Development/Subdivision Resolution
- e. Authorize the Chairman to sign the Gabossi Exemption from the definition of Subdivision Plat
- f. Sign a Resolution of Approval concerned with an Amendment to Section 5.03.15, Kennel, of the Garfield County Zoning Resolution of 1978, as amended, by William Pinkham
- g. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a – g; carried.

Commissioner McCown requested that the warrant for the July inspection of the jail be held until justification is warranted; also a bill for the fund raiser that benefits the volunteer police unit in Battlement Mesa and

Fire Ban Update

Guy Meyer submitted the weather data indicating we experience some Indian Summer in October. Guy e-mailed each of the fire districts for input.

The governor left the existing ban to each of the counties.

REQUEST FOR PRELIMINARY PLAN FOR MONUMENT RIDGE SUBDIVISION

Don DeFord, Roger Neal with High County Engineering speaking for Peter Heinemann, and Fred Jarman were present.

Don DeFord had discussion with the applicant and there is a question of BLM being notified. Roger Neal stated they had not.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this to the end of the day at 2:30 P.M.; motion carried.

2:30 p.m. - this was once again brought forth for review of the Board.

Don reviewed the regulations for noticing and the submittals from the applicant Roger Neal. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Roger Neal met with Brian Hopkins, Community Planner with BLM and procured a letter waiving their right to notification. Don submitted a letter to the Board dated September 16, 2002 waiving their rights. The Board determined that the notification was in order.

Chairman Martin swore in the speakers.

Fred Jarman submitted the following Exhibits: Exhibit A – Returned receipts; Exhibit B – Proof of Publication Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 2000; Exhibit E - Garfield County Subdivision Regulations of 1984 as amended Application; Exhibit F –Project Information and Staff report; Exhibit G – Application Materials; Exhibit H – No Exhibit; Exhibit I – No Exhibit; Exhibit J – Memo to Garfield County Planning Department from Garfield County Vegetation Manager dated July 24, 2002; Exhibit L – Letter to the Garfield County Planning Department from the Colorado Geologic Survey dated July 24, 2002; Exhibit M – Letter to Garfield County Planning Department from the Division of Water Resources dated July 12, 2002; Exhibit N – Letter to Garfield County Planning Department from the Garfield County Road and Bridge Department dated July 17, 2002; Exhibit O – Letter to Mr. Peter Heinemann from the Battlement Mesa Metropolitan District dated March 8, 2001. Exhibit P – Letter to Garfield County Planning Department from the Garfield County Sheriff dated June 25, 2002; Exhibit Q – Letter to the Garfield County Planning Department from the Garfield County School District no. 16 dated July 16, 2002; Exhibit R – Referral Form from Garfield County Public Nurse to Garfield County Planning Department dated July 2, 2002; Exhibit S – Letter to Garfield County Planning Department from Resource Engineering dated August 5, 2002; Exhibit T – Letter from Zancanella & Associates to High County Engineering dated June 12, 2002; Exhibit U – Letter from Garfield County Planning Department to High Country Engineering dated 8-15-02; Exhibit V – Memorandum from the County Road and Bridge Department to the Planning Staff dated 9/3/-2; Exhibit W – Supplemental Application Information from High County Engineering dated August 27, 2002; Exhibit X – Letter from Resource Engineering to Planning Staff dated 9/4/02; Exhibit Y – Letter from the Grand Valley Fire Protection District to High Country Engineering dated 9-11-02; Exhibit Z – New Plan set submitted to Garfield County Planning Staff dated 9/12/02; and Exhibit AA – Protective Covenants for Monument Ridge. Two inclusions – Exhibit BB – Letter from Ron Palmer Garfield County School District 16; and Exhibit CC – Letter from Brian Hopkins Community Planner, BLM.

Chairman Martin entered Exhibits A - CC into the record.

Fred presented a video power point presentation for the Monument Ridge Subdivision Preliminary Plan Review. He stated that this is a public hearing and the request is for a Preliminary Plan review for the Monument Ridge Subdivision, applicant Foothills Land and Development Incorporated located along the southeast limit of Battlement Mesa, southeast of the Town of Parachute. The subject site contains 181.9 acres to be subdivided into 17 lots ranging from 6 – 13 acres each. The property is located at the intersection of County Road 200 and 303, approximately 2 miles southeast of the Town of Parachute. The developer plans this in two phases. Fred reviewed the project summary, site description, previous land use actions, referral agencies, staff comments, recommended findings and recommendations.

Recommendation:

Staff recommends that the Board of County Commissioners approve the Preliminary Plan for the Monument Ridge Subdivision with the following conditions:

1. That all representations of the applicant, within either the application or stated at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning Commission.
2. The applicants shall include language in the protective covenants for the subdivision that require the developers/purchasers of each individual lot to perform additional percolation testing when actual percolation field locations are known to determine the most appropriate locations for ISDS. This information shall be provided to the Planning Department at the time of Final Plat.
3. The applicant shall require individual lot owners to be responsible for the installation of the ISDS designed by a registered professional engineer in the State of Colorado. Maintenance of each system will be the responsibility of the individual lot owner and as outlined in the protective covenants of the subdivision. In addition, each ISDS must be accompanied by a detailed maintenance plan contained in the covenants. This information shall be provided to the Planning Department at the time of Final Plat.
4. Due to the expansive and compressible soils, the owner/developer of each lot shall conduct additional design level geotechnical studies once building locations are finalized, to characterize soil and engineering properties beneath each planned structure. This information is needed to develop a site-specific design recommendations and construction criteria. Soil conditions at planned foundation

depts. Will dictate whether footings with a minimum load will be needed to counteract expansive clays. As a result, the developer shall make this CTL/Thompson report available as a reference for potential lot owners for a reference. This information shall also be submitted as incorporated into the protective covenants and provided to the Planning Department as part of Final Plat.

5. The applicant shall provide Staff with a site plan that delineates any wetlands and waters of the U.S. within the property so that it remains clear there will be no infringement in those sensitive areas. This shall be submitted to the Planning Department at the time of Final Plat.
6. Pursuant to the recommendations by the Garfield County Road and Bridge department, the applicant shall:
 - a. The applicant shall relocate any fence occurring within the 60 foot right-of-way (30 feet from the center line of CR 300 and 303) which abuts the Monument Ridge Subdivision as proposed as part of this approval process.
 - b. Garfield County shall commit to participating in lowering a specific portion (known as the high spot) of CR 300 by only providing the culvert that will carry ditch water across CR 300. The culvert will stretch beyond the fence lines onto the developer's property on either side of CR 300.
 - c. The applicant shall provide a shared access road from CR 300 to Lots 11 – 13. This access shall be designed according to the Garfield County Subdivision regulations Section 9:35 to accommodate ADT generated from three residences as a public road pursuant to the design specifications in the Garfield County Subdivision regulations.
 - d. The site plan shows a number of proposed shared access driveways. All proposed driveways that serve more than one lot are to be designed according to the Garfield County Subdivision Regulations for roads in Section 9:35. This section requires that those shared access driveways are to be designed at widths of not less than 30 feet and are to be maintained by the Homeowners Association. The applicant shall refer to Section 9:35 for the specific design standards required by the County.
 - e. The applicant shall present a final grading and drainage plan, which includes all of the proposed culverts and the calculations that determine their sizing to the Planning Department as part of the final plat submission. This plan shall include any existing or proposed ditches on the property. This plan shall be provided to the Planning Staff as part of the Final Plat review.
7. The applicant shall provide a vegetation bond to be held by Garfield County for the new Monument Ridge Road at the request of the Garfield County Department of Vegetation Management. The bond amount and a timeline of its release shall be determined by the Garfield County Weed Management Director after the Applicant provides information requested in Exhibit J. The security shall be held by Garfield County Vegetation Director until vegetation has been successfully reestablished. Once determined by the Director that successful reclamation has occurred, the security shall be released. Evidence that this bond has been submitted shall be submitted to the Planning Department at the time of Final Plat and fully described in the Subdivision Improvements Agreement (SIA).
8. Pursuant to the revised Revegetation Guidelines from the Garfield County Weed Management Plan, the applicant shall provide a Soil Management Plan, related to outside-the-building envelope activities, such as new road construction, that includes 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more. The applicant shall provide this plan, approved by the Garfield County Weed Management Department, with the Final Plat submittal documents at the time of Final Plat. Evidence that this bond has been submitted shall be submitted to the Planning Department at the time of final plat and fully described in the Subdivision Improvements Agreement (SIA).
9. The applicant shall include a plat note on the Final Plat that requires each lot owner/developer to provide a 3000 gallon tank for use of fire protection and domestic water supply for homes under 3500 square feet. Residences larger than 3500 square feet will need to have both the calculated size storage tank and sprinkler system to provide initial knockdown capabilities. The developers of these lots shall adhere to the NFPA 299 standard for Protection of Life and property from Wildfire. In addition, the protective covenants shall include the recommendations stated by the Grand Valley Fire Protection District as stated in full in their letter dated September 19, 2001 submitted by the applicant during the Preliminary Plan approval process. The applicant shall incorporate this condition of approval in the protective covenants for the subdivision to be reviewed at the time of Final Plat.

10. The proposed subdivision is located in the Garfield County Traffic Study Area 1. This area requires an impact fee payment to Garfield County of \$280 per Average Daily Trip (ADT) generated by the subdivision. The applicant shall make a payment to Garfield County of \$45,553.00. The applicant shall make this payment to Garfield County or as adjusted by county regulations and policies in effect at the time of Final Plat.
11. The applicant shall pay the School Land Dedication Impact Fee or pay cash-in-lieu of that land dedication which shall be due at the time of final plat. An estimated fee based on current fee regulations requiring \$200 per each newly created parcel (Section 9:80 of the Subdivision Regulations) would be equal to \$3,400. The applicant shall be required to pay the appropriate assessments and/or impact fees based on the regulations in effect at the time of Final Plat review.
12. The Applicant shall present a plan representing the locations of well maintenance easements designated for each lot, which contain wells and any external connections to them. This shall be shown on the final Plat. In addition, the Applicant shall present appropriate language in the protective covenants and the SIA describing the existence of these easements and their associated use by the Homeowner's Association. This information shall be provided to the Planning Department at time of Final Plat.
13. The applicant states that the Homeowners' Association will own the water right and manage its distribution but has not set up any specific structure on how this will be achieved. The applicant shall craft language defining a specific structure for the management of the irrigation water in the protective covenants as a condition of approval to be addressed at Final Plat.
14. The applicant shall lengthen the proposed culvert and be moved further away from the intersection of County Road 300 and Monument Ridge Road. In addition, the Applicant shall construct a ditch on the downstream side of the culvert to convey flows to the existing natural drainage. This shall be submitted at the time of final plat.
15. Proof of legal and adequate source of domestic water for each lot created. Proof of a legal supply shall be an approved substitute water supply plan contract or augmentation plan, an approved well permit or legally adjudicated domestic water source. Proof of physical supply for the public meeting may be documentation from the Division of Water Resources that demonstrates that there are wells within ¼ mile of the site producing at least five (5) gallons/minute. Prior to the signing of a plat, all physical water supplies shall demonstrate the following:
 - 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;
 - a. A written opinion of the person conducting the well test that this well should be adequate to supply water to two (2) dwelling units.
 - b. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - c. If the well is to be shared, a legal, well sharing declaration 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;
 - d. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
16. Because the applicant has located the Monument Ridge Road cul-de-sac in the middle of a debris flow area, the applicant shall provide appropriate mitigation measures designed to avoid potential debris flow into the grading and drainage plan to be submitted as part of Final Plat.
17. The applicant shall construct all proposed utilities that serve Phase II as par to Phase I. This specifically includes extending the water lines from the shared well serving Lots 8-10 and waterlines serving Lots 3-5. In addition, the Applicant shall complete all improvements to CR 300 as discussed above as part of Phase I.

Roger Neal and Tom Zancanella presented for the applicant. Roger stated that Fred Jarman did a great presentation and said they are in agreement with the list of conditions presented in the report. Clarification was made as to the fact that the Homeowners' Association will own all wells. Commissioner McCown noted that this proposed system is a mess and inquired why it was not a central system. Roger said it comes

to density and the cost of the project. Commissioner McCown was very concerned regarding the amount of water storage for fire protection and felt this was lacking; Roger confirmed there would be 51,000 gallons for the entire subdivision. No matter, Commissioner McCown and Commissioner Stowe both reiterated they wanted every home to be sprinkled regardless of the square footage. Commissioner McCown said it would be a condition of his. Resource Engineering - Michael Erion commented on the subject saying it's a matter of what the developer is paying for and what is being put on the Homeowner's Association. Typically, the County does require much more water storage. What is being presented is a pro-rata system. Also, on the irrigation, they concur with how they are proposing to manage the irrigation. It is an appropriate approach. The water supply goes up and down on that drainage and to split the irrigation water on a percentage basis works well. Tom Zancanella stated they haven't look at what the ditch has diverted to date. Michael said when Fred and he did the field trip there was water in the ditch. Roger added that the ditch irrigation water is secondary to the well water allocated for irrigation water. The RF ditch and Musconetconde ditch were identified. The information regarding the ditch flow has been requested to be supplied by final plat per Michael Erion.

Commissioner Stowe reiterated the sprinkled systems in all of the houses. Fred stated this was discussed at the Planning Commission. Don DeFord advised the Board that unless the applicant volunteered, the County could not require houses under the 3500 square feet to be sprinkled. The Board determined from testimony that the applicant would agree to sprinkle houses one square foot and upwards. Don advised the Board that the testimony of the applicant can be included in the Conditions and then it is enforceable.

On dust mitigation during construction, the applicant agreed to put something on the road for dust suppression but reminded the Board they were paying some \$43,000,000 for road impact fees and the newly created roads are the responsibility of the Homeowner's Association.

A motion was made by Commissioner McCown to close the public hearing; Commissioner McCown specifically asked the applicant if he is willing to sprinkle all the houses. Tom Zancanella stated they would be willing to volunteer that if there's no other option. Commissioner Stowe seconded the motion.

Chairman Martin recalled there was a letter from the School Board and brought that to the attention of the Board. Mr. Palmer's concern is the washboard road and the situation of driving a bus on it; Commissioner McCown noted that this particular road was brought to the attention of the road supervisor about 3 weeks ago. Chairman Martin inquired if the condition of "one dog per lot" was included, the "right to farm condition" as well.

Fred Jarman stated these can be included as a condition. Chairman Martin noted the Board has made it a condition in the past as well as the "right to farm" due to this being an agricultural area. Motion carried.

A motion was made by Commissioner McCown that we approve the preliminary plan for the Monument Subdivision with the conditions of approval as recommended by staff with a change to Number 9 "on behalf of the applicant's volunteer statement, all units will be irrigated, the 3,000 gallon tank will still be required but all units will be sprinkled, I would like No. 18, I would have that all irrigation water issues be, the irrigation water will be piped to the respective lots coming from a single head gate at measuring devices at each lot prior to final plat.

Don DeFord – before you second that I have one question and maybe this is a staff that may require a slight change. Could you look at Number 17 for just a moment. I want to make sure that you wrote this the way you intended to write it. It says "all proposed utilities shall serve Phase II as part of Phase I". I'm just wondering if that should that, all proposed utilities that serve Phase I shall be constructed as part of Phase I, see what I mean. Otherwise you're building the Phase II utilities during Phase I, is that what you meant.

Fred Jarman, that's exactly what I'd like them to do. Don, so in other words, you expect all well systems to be in for both Phases? Fred, well they are connected to wells that have something to do with Phase I. Don – that was my point, should this say, the applicant shall construct all proposed utilities that serve Phase I as part of Phase I. Fred, that's correct. Commissioner McCown – the wells serve both Phases. Don – I understand that Larry, that's my point. The way this is worded, they will construct all utilities period as part of Phase I regardless of what Phase they're in. Fred – okay, the point that I'm trying to make is I'd like them to, I believe they should, construct all of the water utilities that, certainly for Phase I, but pursuant to Phase I they do a stretch across the road to Phase II, in fact there are also some utilities in Phase II that stretch back across the road to Phase I, that's the Lots 3, 4, and 5 connection, so my intent is so that all those that are tied together, the utilities that tie with Phases I and II together are completed. Chairman Martin – you don't want to have multiple cuts and multiple times across the County Road. Fred Jarman – at time of Phase I. Don DeFord – I understand, but my questioning is the wording of this, not the intent. Tom Zancanella – so this should be that all utilities that have road cuts... Don DeFord – I think it should say, the

applicant shall construct all proposed utilities that serve Phase I as part of Phase I because those that are actually in Phase II that also serve Phase I would have to be constructed then. But the way this is worded, you would have to construct all utilities proposed for Phase II as part of Phase I, that's the way this is worded. Commissioner McCown – yeah, but this is going to make us come back and have more road cuts again. Fred Jarman – well the way I understand it, and I think your language gets us there, is for example Lots 3 and 4 that are part of Phase II have a well extension that goes across the road, County Road 300 to Phase I, with the intent of this standard, or the condition would mean they would have to build that well head and do those lines, make that road cut to serve Phase I, that would work, is what he's explaining. Roger Neal – what it really comes down to is a well on Lot 3 and we can certainly commit to constructing that well in Phase I. That's the one that crosses over into Phase II. Fred Jarman – as well as 9 and 10 that serves Lot 8. This is a two-road cut.

Chairman Martin – we need to reopen the public hearing if we're going to take testimony and commitment by the applicant at this time.

Commissioner McCown – my motion stands. Don – okay, that's fine, but when they come in for final plat, I'll expect to see your proposal to build all utilities then.

Commissioner Stowe – I guess I'd like to hear from the applicant, maybe reopen it briefly, the public hearing so I would be declined to second that until I hear from them.

Commissioner McCown – the motion dies for the lack of a second. There's a motion on the floor and we have to act on it one way or the other. Chairman Martin – there is no second, we'll go ahead and let it die and if there's another motion ... Commissioner Stowe, I'd make a motion to reopen the public hearing for more applicant commit. Commissioner McCown – I second. Motion carried.

Chairman Martin – now the public hearing is open again, everything is open for discussion. The question has come up would you commit to doing all utilities at the first Phase for the whole project.

Roger Neal – I would prefer to commit to doing all the wells that have to do with the other Phase, we will commit to do all wells that would cut County Roads or that share a Phase.

Commissioner Stowe – and would specifically mention those wells for me for the record.

Roger Neal – that well is the well between lots 9 and 10, so that's 9, 10 and 8 that serves those 3 lots, uh, and the well that serves lots 3, 4, and 5. Is that what you're looking for Fred?

Fred Jarman – It does, I actually have some language here that I might propose that may get us where we're trying to head. I might suggest that the condition be redrafted to simply say, "the applicant shall commit to constructing all necessary improvements with respect to the wells that serve lots 3, 4, and 5 and 8, 9 and 10 during Phase I." Chairman Martin – as well as those that are required in Phase I. Fred Jarman – as well as everything already part of Phase I. So that covers every bit of it I believe. Chairman Martin – can the applicant agree with that? Roger Neal – yes. Chairman Martin – all right. Any other clarifications? Roger Neal – no sir. Commissioner McCown – what wells does that leave out? Fred Jarman, on either side of it, 2 I think, 4.

Commissioner Stowe made a motion to close the Public Hearing; Commissioner McCown – second. Motion carried.

Commissioner Stowe – I'd make a motion we approve the Preliminary Plan review for the Monument Ridge Subdivision with conditions as noted before by Mr. McCown and the change in 17 as discussed pursuant to the conservation we just had with the applicant and our staff delineating which wells were going to be completed as part Phase II and, the ones in Phase I to be incorporated into Phase II.

Commissioner McCown seconded. Discussion. Commissioner McCown – is there an SIA that is going to address the funds for the completion of this? Don DeFord – yes, when they come in for Final Plat, they'll need to give us an engineer's estimate for the cost to construct and secure. Motion carried.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED SOUTH OF GLENWOOD SPRINGS OFF OF CR 163 – LOT 4. APPLICANT: MARLIN (COLORADO) LLC.

Ron Liston, Don DeFord and Mark Bean were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers. Mark submitted the following Exhibits: Exhibit A – Returned receipts; Exhibit B – Proof of Publication Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 2000; Exhibit E - Garfield County Subdivision Regulations of 1978 as amended; Application; Exhibit F –Project Information and Staff report; and Exhibit G – Application Materials. Chairman Martin admitted Exhibits A – G into the record. This is a request for

review of a Special use Permit to allow an Accessory Dwelling Unit at the Preserve at the Prehm Ranch located south of the Glenwood Springs CR 163 on a 35-acre site. The project information and staff report were reviewed and the following recommendation was made. Staff recommends approval of the applied for Special Use Permit, with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. Section 5.03.21 of the Garfield County Zoning Resolution, 1978, as amended, shall be complied with by the applicant and any successors in interest, more specifically the following:
 - a. Only leasehold interests in the dwelling units are allowed.
 - b. That all construction complies with the appropriate County building code requirements.
3. The following tests shall be performed prior to final approval of the Special Use permit and issuance of a building permit;
 - 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 two (2) dwelling units.
 - e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
4. Any ISDS plans submitted with any building permit application shall be designed and stamped by a professional engineer registered in the State of Colorado.
5. Any property owner of Lot 4, The Preserve at Prehm Ranch will be made aware of the limitation on access from the proposed south entrance and that they will be required to comply with the limitations imposed as part of the settlement agreement dealing with the issue.
6. The accessory dwelling unit has to be a detached dwelling from the primary residence on the property.
7. All lighting will have to be downward and inward from the property lines to prevent any lighting impacts on the adjoining and nearby properties.

Ron Liston stated the conditions are fine and very appropriate for what is proposed. He suggested an additional condition on the proposed positing of the building site. To alleviate concern to the north on Lot 3, the accessory dwelling unit will be established with the building envelope on Lot 4.

Commissioner Stowe inquired as to the willingness of the applicant to commit to sprinkling all the houses, despite the square footage.

Tom Zancanella stated he would be willing to do that.

Chairman Martin had a concern regarding dust mitigation and wanted to make certain that this did not create a problem. There have been numerous complaints this past summer on dust. Commissioner McCown noted that CR 303 has been applied with Mag Chloride up to the intersection due to a set of apartments that really complained about the dust. CR 306 has not had any treatment. It's the washboard road.

The applicant affirmed they would assist with dust control during construction.

Tim Whitsit, Whitsit and Gross, stated that his clients and owners of property in Prehm Ranch Judith and Ray Nyro – Lot 3 – access issues are appropriate and thanked the Commission to go forward with the settlement. His clients has some real concerns on the accessory dwelling, but the concessions made in this hearing, he didn't think his clients would have any problem.

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

Chairman Martin mentioned the intent as proposed on these 35-acre parcels

A motion was made by Commissioner Stowe and seconded by Commissioner to approve the Special Use Permit for an Accessory Dwelling Unit for Marlin (Colorado), Lot 4 with the conditions by staff 1 – 7 and add condition number 8 that the accessory dwelling unit will be established within the building envelope as noted in the Preserve at Prehm Ranch on Lot 4; Condition No. 9 hereto the gate to be in operation
Chairman Martin mentioned the applicant has agreed to use CR 163 for commercial. Motion carried.

PRESENTATION OF DISPATCH BUDGET – BOB KIBLER

Bob Kibler, according to the requirements of the Board of County Commissioners, submitted the proposed budget for 2003 and explained the revenues and expenditures. The total operating expense amounted to \$1,106,531.96 and for 911 - \$392,302.36 with the exact same amount of income from 911 surcharge and 911 wireless surcharge.

The County is estimating an increase of 5.5% in sales tax revenue for 2003. Estimating that they will receive \$1,085,000.00 in sales tax this year and \$1,505,550.00 next year, Bob stated he used a more conservative amount for the budget of \$1,067,097.39. He plans salary increases of 3% and an increase in health insurance at 15%.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the Resolution concerned with the acknowledgment of the receipt of the Garfield County Emergency Communications Authority's Budget for the year 2003. Motion carried.

**REQUEST FOR CLARIFICATION REGARDING PUBLIC/PRIVATE ROAD ISSUE
(FORMERLY COUNTY ROADS 256 AND 269) – DAVE ROBERTSON**

Dave Robertson, representing Twin Buttes Land Company, and Don DeFord were present. Dave stated to the Board that he was here to clarify the roads 256 and 269 in the County system, whether they are private or public roads. He has pursued being a private road for the last 28 years and based on a Court test dated 1/18/1974, Book 454, Pages 196 & 197. It came to light again by reason of our ranch making a call which is a must when you take a bulldozer into the oil and gas areas, to be sure they were covered for safety. The lady they called stated it was a County road and you can't dig without County permission. This started the process to see if these roads ever were public roads. They found from the records at Rifle that they were on the system and Dave is concerned that they are still on the system. He requested a petition to vacate the holding on those roads. There is a lot more energy activity at the present and people are relying on these maps and it's an adverse possession thing now because they say this is a conflict because they see they have the right to go under the County system. The help of the Commissioners is important.

Chairman Martin – clarified that Dave Robertson wanted the County to do the research to make sure they are public roads or not. The court case in 1974 was an abandonment case and it came about by the reason of hunters tearing down a gate. Twin Peaks Land put the gate back and then they pursued it with the Game and Fish, the Department of Interior took it up and in the Courts we were given a favorable ruling declaring that it was not a public road and in fact not even a public way across that property. People challenged their right to lock the gate. Dave Robertson said they thought this was settled. Information is needed and an update on the record to set it straight. Don DeFord said he would need time to do some research and check into the references Dave mentioned. If the road is not public and already determined by a Court that it isn't, then there's no need to submit a petition to vacate anything, it would not be a County road. Don said he will have to have the surveyor check the legal to see exactly where this is located and identify that on a map. Once that is done, we'll have a better idea of where we stand. Commissioner McCown stated this would have to be publicly noticed unless some action has been clarified. This was set forth 60 days – the applicant submitted a decree from the Court. A date of December 2, 2002 was set under the County Attorney's time at 8:30 a.m. Commissioner McCown stated that if Dave didn't hear from the County, it could be that it was extended and could continue the matter. But Dave will be notified if we find out anything. Dave Robertson noted that when this Court case was tried, it was under the name of Twin Buttes Ranch, it's still the same people but they separated the land into a company called Twin Buttes Land Company for State tax purposes. He also requested that the surveyor give him a call the day before since the gate will be locked. Dave gave his address as PO Box 323, Rangley, CO 81648 – 970-675-8569.

Bookcliffs Project

Mark Bean stated the Board had not waived the annexation for the Bookcliffs project. This involves a piece of property north west of Silt, Harness Land and County road – this included the traffic study. The Board gave Mark directions to move forward.

COMMISSIONERS REPORTS – CCI LAND USE SUBCOMMITTEE REQUEST for every county to support a resolution in reference to the land use and natural resources steering committee on the health of our forest land; and to review the draft resolution and send a letter of support or a Resolution adopting it, also sending it to CCI and Washington, DC. from those affected forests with fire demonstrating a need to take different PROTOCOL

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to support the CCI Land Use Sub-committee in reference to the Resolution on the health of our forest land as stated by Chairman Martin and that all signatures be included. Motion carried.

WORK SESSION WITH ASSOCIATED GOVERNMENT OF NORTHWEST COLORADO REGARDING SINGLE ENTRY POINT

Dave Norman with Single Entry Point . Jim Evans some concern about continuing the administration. Commissioner McCown suggested setting up a meeting before they proceed. A couple of Single Entry Employees suggested a change in administration and suggested Associated Governments. Commissioner McCown summarized the conflict came into being with the Personnel Policy. There are a couple of individuals who refuse to come under the Personnel Policies. Dave stated that disruption of the phone numbers would cause the clients was the major issue. He was at the Board meeting and there might be some type of deficit budget. Dave conveyed that the group wanted to ask the Associated Governments to be of assistance. This county has signed the Single Entry Contract for the year. New rules will be forthcoming in October. If Garfield County wanted to nominate another entity that would be fine. The stability of the program. Garfield County has 43% of the program participants and the County does have the capacity for the program. Commissioner McCown – would see Associated Governments having to hire another individual to handle this Single Entry Program. Jim Evans said the Counties are very grateful for Garfield County to stepping in and administering this program several years ago. He said our Human Resource policy is not arbitrary and capricious in determining that a home office is appropriate; to date we have not received the appropriate document from the staff. Chairman Martin stated that we are trying to streamline our programs. Jesse childcare while on the job is the issue. Two individuals would not comply and this pursued trying to move this program. This doesn't make sense from an employer/employee working relationship.

Dave stated he had heard the problems especially in changing the phone numbers. Commissioner McCown said the changing of phone numbers is very easy to fix. Since so many clients are in Garfield County, it makes sense to keep the administration here.

Everyone agreed to keep the administration in Garfield County and to inform the employees that they must comply with the Human Resources Personnel Policy regarding Home Office Employees.

Oil and Gas Update – Additional Funds – Reporting Process Regarding Employees – Mitigating Impact from the Industry

Dave Norman and Jim Evans were present. Jim reported that the latest severance tax reports and automatic direct payments have greatly increased by a million dollar swing benefiting Mesa County and Garfield County as well as Colbran and DeBeque. This occurred with the Oil and Gas forum held in the County where all pledged to go back and reassess the reporting process for tax purposes of where employees lived in relation to their work, resulting in this adjustment. Commissioner McCown has been working on this for some time as he was well aware of the numbers not agreeing with the reports generated. Jim mentioned that Commissioner McCown would have a written report for the October 2, 2002 for the Associated Governments Meeting. Jim Evans reported the severance tax in Garfield County went up \$102,000 from \$12,000; now the amount is at \$114,000. Coal went down about \$1,000 and they went from 4 employees to 1 employee. Now, down in Mesa County, they got \$167,000. The reason given after talking with Steve Stojak with Williams is that a lot of their contract workers live in Mesa County and they report them. This whole thing revolved around reporting their contract workers. Statewide, they actually increased from \$4.1 million to \$4.3 million. A million dollars was shifted into this area. Denver, Arapahoe, Douglas and suffering the loss but Denver came out \$31,000 ahead and Steve Colby informed Jim that this is because some of Williams's employees are over there and questioned if this should have been done under the definition of production area. They are going look into this and are going to ask for a meeting to make sure everybody in the whole region are playing by the same ground rules. The bottom line is that Colbran received about \$1,000 extra, DeBeque \$6,000, Fruta \$20,000, and the City of Grand Junction \$425,000 all due to the leading efforts made by Garfield County. Commissioner McCown said this is a slow education process, getting them to understand that it was a reporting problem. Jesse said the total for Garfield County is \$357,000. Jim said this was for the three entities and then \$619,000 down in Mesa County. This is \$976,000 total, plus the \$31,000 for Denver, comes to \$1,007,000 out of 4.3 so this is a 25% swing in the program for those entities and Jim recognized that this was due to a group effort. Dave Norman stated, in the budget this year, after the election, there will be a larger deficit for reduction coming and they are expecting that. But if Garfield County has problems is making up those care-giver funds that they've granted to the Options Program, the money can be used for case management services. If that option is used, there will be a proportioned reduction in the amount of service availability in their County. At some point in time, there may be a need to have that Options program and sit down and talk among the counties. If you do have costs that Garfield can support for the others, there has to be a way support the

administration. This would be the only new issue they should start taking into account and then planning in their operations. Jim stated in closing that Dan Ellison asked if this is needed to be put on the Associated Governments Agenda; however, Commissioner McCown can give the report from today.

Associated Governments and the Single Entry Point – Jim said he is aware of the meeting and having heard of any outcome yet. Jesse mentioned that one of the topics was going to be, where to locate the system. Jim stated this may be something they may need to study as to if they have any authority to do that. In reading the rules that have been rescinded, the elected officials are the ones doing the appointing and not the staff. Jim said he is now convinced that he knows what Garfield County wants to do, to continue with the administration and hasn't heard of any other elected official that voiced support if there was a problem in Garfield County and they wanted to get rid of the program, Commissioner Stevocik voiced support they were interested in helping. But no other elected official has said that it ought to be changed.

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

BOARD OF HEALTH

WORK SESSION WITH HEALTHY BEGINNINGS

Wandy Berryman provided an update saying Healthy Beginnings has had a 17% increase in enrollment. As of August 1, 278 women designated in the Maternal/Child Care Grant. Since August, they have been able to provide care to additional women.

Columbine Mountain Family Health Centers – Dave Adamson, Planning and Development Director, Diana Rittenhouse, Executive Director of Columbine Mountain Health Center and Dr. Mark Sanizol, Medical Director. 2-2700 were present.

Mary Meisner is on the Board of Directors as well as Tim Burns from Glenwood Medical. Last February the government requested some grant requests for some funds for community health. This was a good time to explore working together. A month ago, Healthy Beginnings began discussions as they had received some additional funds. The type of merger that might be appropriate was discussed. Mountain Family Health Center was founded in September 1999 with the support of Valley View Hospital, the private medical community and regional health and human service agencies. When it was founded in 1978 it became a 501 C3 Non-profit Corporation in 1978 in Black Hawk, Colorado. Our budget is \$3.8 million dollars. He said they are federal qualified health centers. This first half of 2002, they have seen 1711 patients. In the year 2001, they saw 2,046 patients. 1/3 of the people they see are Medicaid. Medicaid is one-way clinics pay for their health care and compensate for indigent care. Most are from Garfield County. They have 15 employees and everyone was hired out of the Roaring Fork Valley except for one. A graph depicting the financial structure with the percentage of the budget showing 28% federal funds, 7% State, 1% local, 13% from Foundations and 51% for fees. The fact that they charge patients provides stability. Providing medical care is a scary business. Also, the medical management is complex and there are enormous reporting issues. To Healthy Beginnings in particular Dave said they have discovered good and bad things about this organization. This program is unique having those patients who would never qualify for Medicaid, and those who cannot pay for the health care. There are very few resources to pay for this care. The staffing with Healthy Beginnings has been a yeomen effort to bring it to where it is now. The program is understaffed. The percentage of people that come in and can't more will increase more and more. To get a staff person like Wanda to come in and write grant requests is unique. The billing with the overhead begins to be six figures. All co-pays have gone up in this Country. Finance issues – Dave said they have talked to the State and it is not going up - \$159,000 is not going to increase. This is a very key part of the program. The grant environment is tough. A lot of organizations have lost money. Medicaid reimbursements are down. These are factors to keep in mind as the Commissioners make their decision. Finally, the County has to think about their exposure in the Community. There is a huge influx of Mexican individuals with births in the US.

The benefits of a merger with Healthy Beginnings *for patients* would be:

- One stop – efficient, integrated service delivery
- Expanded access to high quality health care

For Health Beginnings

- Sustainability and stability
- Management help and specialized expertise
- Additional staffing

For Women's Health Associates

- Better compensation for midwives
- More medical back-up
- More patients

For Garfield County

- Less legal and financial risk
- Continued influence and involvement
- A great legacy of responsibility and leadership

For Mountain Family Health Center

- Enables us to fulfill mission
- Expands patient base
- Strengthens relationships with outstanding medical professionals

Wanda was complimented as being a very dedicated individual who has been committed to this program. Midwives and OB-GYN's have taken an extreme part in this part of the medical community. Dave projected a huge impact from some of the Basalt residents. There are people associated with the County that lawyers could take advantage of.

One of the things if they pull this off, would be that Healthy Beginnings would stay Healthy Beginnings and the need for the Commissioners to be involved with contribution to show commitment for grants. Space is one issue with the WIC program in the Mountain View Building. He proposed that it is time for the Healthy Beginnings program to merge with the Columbine Mountain Family Health Center and it will help them accomplish their mission to provide high quality primary healthy care to the communities we serve, with equal access to the medically under-served and uninsured. Dave summarizes the areas where this would benefit them as well. Commissioner Stowe said, if we merge and provide in-kind services what other kinds of support would they be asking. Dave - Having a facility and not paying overhead would be the greatest contribution. They would like to see how it goes, there needs to be a door open or a transition period to evaluate the merge. If they can take this program, increase the enrollment, and get this into the system, they would be able to show the commitment. The facility is the most beneficial way to help. All of their sites are very different, Clear, Gilpin, and Boulder County are the other locations. They go to the Commissioners, report and obtain some funds from them. The contribution from the Commissioners is a huge asset as they can show the commitment of the County. They do have a Board of Directors and if the Commissioners want to appoint a member, they are open with it.

They would like to continue the current Board of Health Beginnings and/or join their Board as a watchdog. They could continue their fund-raising events as well. The current employees would be part of the Columbine Mountain Family Health Centers.

The current employees would be required to reapply with little affect of salaries. They have talked to the employees but not all of them. Columbine is not intending to change the program, and would be shortsighted to come in and change the entire program.

Commissioner McCown asked what they are bringing to Healthy Beginnings. Diane Rittenhouse stated the number one thing is financial stability because part of the way this is going to be funded is through federal dollars that we receive. If this happens, they gain a lot more work, efficiencies in billing, 38% of their funds are provided by the federal government. They have to collect fees. The 300 Healthy Beginnings patients will not make or break their funding. When Columbine began, they committed not to provide pre-natal care. However, if this merger doesn't happen, they will begin to see pre-natal patients due to the limited number of patients that Healthy Beginnings can take.

Healthy Beginning Board Member - Linda Green said the Board has not met to vote on this and therefore this seems to be premature. There has only been one meeting and most of this is coming through Wanda. Diana stated they would only see patients in Garfield County for those who weren't able to be seen in a timely manner. And there are also some of their patients who are already involved and would like to continue. Wanda Berryman – the only reason this has taken on a sense of urgency is the budget and the move to Mountain View. Once contacted by the Columbine Mountain Family Health Centers, she met with Columbine and Valley View prior to bringing this to the Board as part of her information gathering. Trish Kramer – practice manager for Women's Health – one of the first mothers of Healthy Beginnings. She is very committed to the Healthy Beginnings Program. Dr. O'Donnell and Joy Kor are the original doctors. Healthy Beginnings was developed in a complete vacuum for care. Since then, a system for care for medical indigent has been provided for and Columbine Mountain Family Health has become a vital part of medical care for this community. Wanda and Trish started looking at the contract issue with Don DeFord.

This is a very complex set of structures for the programs. The goal was to define a structure to address the forthcoming health industry for the future. Women's Health, Healthy Beginning and Columbine have just recently begun discussions once again. In July, they held their first meetings and Women's Health Associates has been a critical factor right in the beginning of this program. The future of the program is at stake and this is a great way of survival. The Board of Healthy Beginning has not taken a final position, before this Board can make a decision the Commissioners need some recommendation from them. Chairman Martin suggested going step by step in this process. Dr. Mark Sanizol said they have not decided that this is something they want to do and are still in an informational gathering process. He reiterated they would not want to be involved in a hostile take-over. There are two basics to consider – health care and the viability of this program. The midwives had carried a huge burden and this is not sustainable. He said, let's double this program. Chairman Martin referenced the difficult road has made the Healthy Beginnings Program possible.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.

BOARD OF SOCIAL SERVICES

Lynn Renick presented. Introduction of Key Managers and Update of Department Restructure. Staff included Michele McMullen, Assistant Controller – Accounting Department; Diane Watkins, Business Services Manager; Wendy O'Leary, Child and Family Services Manager; and Janice George, Assistance Services Manager for Child Support, Eligibility Program, and Single Entry Point Programs.

- ***Core Service Contracts and Funding Update***

- c. Mental health and substance abuse contracts signed by Colorado West Regional Mental Health Center's Executive Director on September 6, 2002.

Lynn mentioned this has been signed and the contracts have been executed to the State.

- d. After the receipt of our allocation letter from the state, the Department was notified that Garfield County's 100% core services funding was being reduced by \$10,347 (12.4% decrease), not including mental health and substance abuse services. This decrease resulted in the early termination of life skills and intensive family therapy services with Child and Family Counseling Center, Inc. The day treatment program offered through the Board of cooperative Education Services received a 2% decrease. Life Skills and Intensive Family Therapy services can currently be provided internally or through our mental health contract.

There will be other cuts.

Chairman Martin would like to see Lynn Renick present at the CCI meetings.

- ***Child Care Grant Proposal***

A grant proposal has been submitted by the Rural Resort Region Childcare Project in the amount of \$60,000. The purpose is to create and maintain high quality infant-toddler providers through an extensive training and mentoring system. It involves a 122-week course for participants. Temple-Buell Foundation is the provider. Lynn requested approval to go forward. The cost is \$18,600 for Garfield County only. This is to help bring in nurse and mental health consultants into child care centers. Carrie Podl is not optimistic that Garfield County will receive this grant.

- ***Child Care Subcommittee Update***

A memo was sent to all employees of the Garfield County, Ninth Judicial District, City of Glenwood Springs, and RE-1 School District in order to obtain a better understanding of the current need and interest. The results will be shared at the Board of Social Services meeting. The next step planned is to work on a projected operating budget and gather additional information on start-up costs. Lynn reported the information gathered in just one week. – had 29 people with 25 children people that set they would. 13 said no. Garfield County, 9th Judicial, School District and Glenwood Springs. 7 affirmative infant slot placements, 10 preschool and significant after school.

- ***Program Reports***

Lynn Renick submitted the monthly reports for the Board of Social Services' review.

She stated that the "Diversion Programs" may change with the lack of Youthzone's participation in the juvenile court system.

Placement of small children – this is an area they are trying to monitor. May 1, 2001 there was one permanency placement hearing; to date there are 12 to 13 such hearings.

Foster Care Home is a focus for 2003. There is a crisis for lack of Foster Homes for Garfield County. Wendy O'Leary stated this definitely is an issue with Foster Care – the Foster Care supervisor has resigned. Lynn mentioned that Diana Watkins was making the transition. Janice George – a lot of her position is remaining with Child Care. Streamlining the Social Services program is the goal and they are working together as a team. A motion was made to come out of the Board of Social Services by Commissioner Stowe and seconded by Commissioner McCown; carried.

HUMAN SERVICES COMMISSION - MINORITY SERVICES

Jesuseloy Montes De Oca, President, Latinos Unidos is a community organizing effort in the valley for Latin Americans, which is sponsored by Stepstone Center.

LEGAL SERVICES – CHERYL HURST AND TOM ZIEMAN

Cheryl Hurst presented the legal services program and introduced Tom Ziemann of Catholic Charities and Jesuseloy Montes De Oca of Latinos Unidos.

Tom emphasized their programs and stated they are ready to hire an individual to manage their program. They have hired a community advocate in Avon and the two will be working together. He encouraged the support of the Commissioners. Catholic Charities said the law needs to be reinforced. The reality of supporting illegal immigrants would require the law to be implemented and/or go for legalization of immigrants. Allowing them to be legally, to have driver's license is the way to go and encouraged the Board to voice their opinion with State Legislatures.

Cheryl Hurst mentioned she will be resigning her position with legal services and also Human Services. She added she will be marrying the 25th of September and will be leaving Garfield County by the end of the year.

Jesuseloy stated he directed all the Manpower program and created a void of labor in the industry. They all come in at the bottom of the pay scale, they pay taxes. Successful in homogeneity the work forces. Latino people have a very strong work ethic and they are willing to do

APPROVE WARRANTS – LOIS HYBARGER

Lois Hybarger presented the Social Service Warrants and explained the total is \$91,516.58.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the warrants as presented. *State Administrator Adjustment* – Lois said she compared the report with the SAA and there were no discrepancies. Controls are in place.

Motion carried.

ADJOURN

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn until 9/23/02 at 8:30 am motion carried.

Attest:

Chairman of the Board

SEPTEMBER 23, 2002
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, September 23, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

CONSIDERATION OF RENEWAL OF FIRE BAN

Guy Meyer submitted the information needed to make a determination. Last week he e-mailed out some information. Comments were received from the fire chiefs and the Board was in favor of letting the Fire Ban expire as of October 4, 2002.

Guy was asked to notify the fire chiefs and alert them to the situation.

EXECUTIVE SESSION – LEGAL ADVICE ON GOVERNMENT IMMUNITY – PENDING MATTER

Don DeFord requested an Executive Session to discuss the aforementioned topics.

The Board, Ed Green, Mildred Alsdorf

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

BOARD OF EQUALIZATION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Equalization; motion carried.

PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS

Shannon Hurst explained the exemption noting that in the Colorado Statute 39-3-201 – Legislative Declaration – states it is within the state constitution and is within the legislative prerogative of the general assembly to enact legislation for qualifying seniors. For property tax years commencing on or after January 1, 2002, fifty percent of the first two hundred thousand dollars of actual value as of the assessment date of residential real property of an owner-occupier shall be exempt from taxation if

- Owner/occupier is 65 years of age or older and has owned and occupied such residential property for 10 years.
- A surviving spouse of an owner-occupier who previously qualified for a property tax exemption for the same residential real property under the provisions;
The owner-occupier has completed and filed an exemption application in the manner required in the statutes.
- If the ownership of residential real property that qualified for an exemption as of the assessment date changes after the assessment date, an exemption shall be allowed only if any owner-occupier whose status as an owner-occupier qualified the property for the exemption has filed an exemption application by the deadline defined in the statutes.
- An individual who owns and occupies a dwelling unit in a common interest community as his or her primary residence or who owns residential real property consisting of multiple-dwelling units and occupies one of those for their primary residence.
- No more than one exemption per property tax year shall be allowed for a single dwelling unit of residential real property, regardless of how many owner-occupier s use the dwelling unit as their primary residence.
- Two individuals who are legally married but who own more than one piece of residential real property shall be deemed to occupy the same primary residence and may claim no more than one exemption.
- The ten-year occupancy requirement set forth in the statutes shall be allowed an exemption if the applicant meets the requirements in the Statute.

Executive Session – Code Enforcement – Legal Advice – Assessor and Building and Planning

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into Executive Session to discuss the aforementioned items; Motion carried.

Don requested that the Board, Ed, Mildred, Jesse, Mark Bean, and he stay for the session.

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

Adjourn

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

Attest:

Chairman of the Board

OCTOBER 7, 2002
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 7, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Sid Lindauer – Parachute – addressed the Board regarding the stand-alone compressors of the oil and gas industry and reiterated the noise exceeds the limits. He understood the Board was going to discuss the subject, but has not determined that today it is just to be discussed regarding setting a date. He stayed for the time set on the agenda to discuss the issue.

COUNTY MANAGER UPDATE – ED GREEN

• ***Request for out of state travel – Social Services***

Ed submitted a request from Social Services Director, Lynn Renick for authorization for the Chairman to sign the out-of-state travel request for Cheri Zittler to perform a face-to-face site visit with the youth that are placed in the South Carolyn Dual Diagnosis Treatment Center. This is regulated by State law. The cost is approximately \$1,000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request as presented for out-of-state travel for Cheri Zittler; motion carried.

a. Emergency Watershed Protection Program (EWP) Project Agreement – Dennis Davidson

Dennis Davidson was present. Ed presented the Agreement with the United States Department of Agriculture Natural Resources Conservation Service (NRCS) No. 69-8B05-2-83 stating that NRCS and the Sponsor agree to install emergency watershed protection measures to relieve hazards and damages created by the fires during the summer of 2002 – The Coal Seam Fire Rehabilitation EWP Project located in Garfield County. The work is estimated to cost \$166,000 and the Sponsor, Garfield County, will provide 25% (cash or in-kind services) of the cost of constructing the emergency watershed protection measures described in the Agreement. The cost to the sponsor is estimated to be \$41,500. The County paid approximately \$12,000 in cash.

Dennis said this is additional work that will happen in the future. The original work was termed urgent and compelling. The governor just released \$2 million to the Soil Conservation District but it has not been determined how this will be distributed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Cooperative Emergency Watershed Protection Program (EWP) Project Agreement and authorize the Chairman to sign; motion carried.

b. Approve Contract for Bowles Diversion Head Gate (Mitchell Creek) – Dennis Davidson

Tim Arnett and Dennis Davidson were present. Tim explained that during the clean up on Mitchell Creek, these head gates had to be torn out; therefore, he stated this is for the construction of the replacement of two irrigation ditch diversion (irrigation) structures with head gates on the Bowles property. Bids were obtained from four companies and the low bidder recommended action is to approve the bid from Groth Construction for \$47,736.00. The landowner will have to come up with 25%.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Groth Construction for \$47,736.00; motion carried.

Removal of the Barriers

Dennis stated that their recommendation was to leave the barriers in place. If the County does need to move these, then the County is on their own. Marvin Stephens stated they might have to move them somewhat in order to get the snow removal equipment in and out. Dennis mentioned there is still some potential damage to be done and therefore the barriers were essential to keep in place for the present time.

c. Phone Line Installation along County Roads 137 and 162 – Applicant: Qwest - Gary Gibson

Gary Gibson presented the request and explained that Qwest is requesting permits to install phone lines in two areas: Canyon Creek. CR 137 and CR 102, 240 and 262 to feed Stirling Ranch Subdivision. That needs additional lines; bore the road from east to west. 1560 County Road 137. Tim Leonard with Sturgeon Electric was present and stated they were requested to use CR 102, 0714 CR 102 – 240 to CR 262, south to 161, 130' to feed the Stirling Ranch Subdivision to replace the original cable.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the permits for Quest to install the phone lines as presented and whatever historically has been the practice on bonds, to continue for this request. Motion carried. along CR 137 and 162; motion carried.

d. Update on Courthouse Space

Dale Hancock, Chuck Brenner, Ray Combest and Georgia Chamberlain were present. Discussion regarding space issues within the Courthouse was held. Chuck Brenner gave a video presentation on the proposed changes as well as submitting the hard copies for review. Ed stated there were some funds available in this year's budget to do some of the work. Chuck did not think that any construction would transpire until December. Dale said from the Capital fund, there is \$99,000 in facilities management. Available is \$54,000 due to Taughenbaugh Building – needs some alarms systems, etc. to meet the safety requirements. Plan is to have a workshop with the elected officials and review this proposed plan. \$34,000 is available to spend presently.

Community Corrections on first floor and stay within budget and quite possibly Legal Services.
The Board agreed to start on Community Corrections
November 14th – Workshop on Space

e. Contract with NTCH Colorado dba Cleartalk – Dale Hancock

Dale presented the Contract with NTCH Colorado dba Cleartalk for a site located on Lookout Mountain. Dale stated he had spoken with Bob Kibler and determined on Thursday that there is a lease agreement and Cleartalk is required to cure any issue within 24 hours.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the installation of NTCH Colorado dba Cleartalk for a site on Lookout Mountain. Motion carried.

f. Approve Maintenance Service Agreement Request for Garfield County Detention Center in the Amount of \$19,308

Sheriff Dalessandri, Les Beckman, Tim Arnett and Paul Tegmeier were present.

Tim submitted the proposal from Trane Company for maintenance services for the year 2003 stating it would provide both preventative maintenance and if needed service at a reduced rate. Since the HVAC system in the jail is Trane equipment, it makes sense that they would provide the service. Climate Controls works on Trane equipment and installed the Trane equipment in the jail as part of the subcontractor's role during construction. Climate Control has proved themselves to be somewhat unreliable. They are slow to respond, are required to order parts from Trane, and have argued the warranty and responsibility of service thus far during the warranty phase. It is the express feeling of the Sheriff's department, due to the emergent need for quality and continuous service of operation necessary in the jail to prevent having to evacuate prisoners or create disruption of the operation, and the most prudent service is to have Trane provide those services directly. Tim submitted a management and maintenance services agreement, which would run from January 1 to December 31, 2003. This agreement will give the Sheriff the option to renew for another year if it is in the best interest of both parties.

The Sheriff's Department presented a request to approve for maintenance services for the Garfield County Detention Center.

Commissioner McCown explained that this was pricey for four calls @ \$4827 per visit. Don inquired under the sole source bidding, if Tim followed procedure.

Tom stated Paul's concern is that if certain warranties were not met, then the cost could be extreme. The issue became putting money into preventative maintenance. It can be done piece by piece. When there is a problem, it has taken several days to get the parts and then someone in to do the repairs.

Tom Dalessandri stated that what generated this conservation and Paul's concern with vendor upon vendor coming in and telling them that if certain criteria isn't done, there is a chance of violating the preexisting warranties and/or in the future the cost of repairs are going to be costly. The issue becomes, do we put some money in preventative maintenance and inspections or do we pay for repairs. If the contract presented is not an acceptable one, this can be done piece-by-piece and pay as we go; this will be very expensive. This seems to be the most comprehensive service agreement they've seen.

Paul stated they've been in situations where they can't the equipment; by doing this agreement, Trane will have the equipment on hand and can make repairs rather quickly. Other vendors cannot afford to keep these parts.

Chairman Martin stated the Board was not saying this wasn't an acceptable contract; it's very pricey. He favored preventative maintenance. Tim suggested they could write a scope of work to entail the Sheriff's

and all three buildings; that way we can have one contract for all of the buildings. We can tell them they have to have all these things in stock. The Board directed Tim Arnett to check into this and bring it back before the Board. The lack of a contract does not prohibit us from calling Trane.

g. Award competitive two-step bid to Wagner Equipment Company for the Acquisition of a Low-hour Current Model 950G Caterpillar Rubber Tire Front-end Loader for a Total Cost of \$199,918 (after trade)

Tim Arnett, Craig Kuberry and Marvin Stephens were present. Tim submitted the top bidders for the equipment as above. They recommended that the award go to Wagner Equipment for \$199,918.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bid to Wagner Equipment Company for the Acquisition of a Low-hour Current Model 950G Caterpillar Rubber Tire Front-end Loader for a Total Cost of \$119,918.00 (after trade). Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Consideration/Approval of Detention Facilities Services Agreement with Municipalities

Don explained this is an item that has been pending for some time before the Commissioners.

Summarizing, Don said that Glenwood Springs reviewed this in August what was hoped to be the final draft of the Detention Services Agreement that had been sent to all of the municipalities in the County. There were a few alterations that they requested; after receiving this information, Don met with members of the Sheriff's staff and discussed those proposed changes as well as a few other they had. About the middle of August, the final draft of this Agreement was sent out and was received by all the first part of September. Comments were received from a number of municipalities and their attorney and they have said it was in good form and in fact, Parachute and some others, including Glenwood Springs are moving forward in the next week or so to approve that Agreement. Today, Don asked the Board to authorize the Chair to sign the final draft of the Detention Facilities Services Agreement that has been approved by the Sheriff's Department and at such time, we receive the executed copy from each municipality. The schedule for each municipality is somewhat different and he added he did not see any reason to wait until they all sign off. If the Chair is authorized to sign the agreements as they come in, then the Sheriff can move forward in accepting prisoners into the facility.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign Agreements as the municipalities sign and return them to us.

Tom Dalessandri said he assumes these Agreements will come to the Board. Don stated they municipalities have been asked to send the signed Agreements to his office; he will put them in order and get the Chair to sign as soon as they receive them. Don added his office will get executed copies so he will know it has been done. Motion carried.

b) Consideration/Approval of Resolution Number 99-087 Concerning the Control of Dogs and Re-enacting a Resolution for the Control of Dogs

Jim Sears and Tom Dalessandri were present.

Don DeFord submitted the Resolution No. 1999 – 087 and Exhibit A – with new provisions. He added that the Sheriff requested these changes. The District Attorney had reservations under the present Resolution due to state statute. Under this Agreement, the District Attorney is willing to prosecute violators.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Resolution as presented with grammatical errors corrected; motion carried.

c) Discussion Regarding Setting of Workshop Date for Proposed Procedures for Road Vacation

Don asked the Board what their pleasure would be on handling road vacations. A date was set for November 14 at 9:00 a.m.

d) SEP Contract Amendments

Carolyn Dahlgren and Lynn Renick presented. Carolyn submitted the Contract Amendment #1 and discussed the changes with the Board. Carolyn stated there was not a choice and requested the Board authorize the Chair to sign the Contract.

A motion was made to go into the Board of Social Services by Commissioner McCown and seconded by Commissioner Stowe. Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Contract Amendment #1 as submitted and discussed; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Contract Amendment # 1 and authorize the Chair to sign; motion carried.

Heads Up - Form Contracts

Carolyn Dahlgren explained to the Board and requested to be able to send this new form out as a new contract. It explains that Garfield County Department of Social Services is authorized to handle specific things, which she will present to the Board in draft form at next week's meeting.

This gives Lynn Renick more flexibility and is more child specific, services and therapy related.

Residential Treatment Center – goes in at a certain level of payment, CARF – a State Assessment, however, a level of treatment goes up and down, which makes it difficult. Commissioner McCown suggested a maximum and a maximum level of authority. Carolyn mentioned anything over \$10,000 must come back to the Board at the present time. Once Carolyn and Lynn have come up with a rate system, the Board would like this brought back to them. Carolyn also stated there are some problems with the Procurement Manual with contracts with Social Services. Carolyn stated that in many instances Lynn does not write the check to a number of these placements; it happens through the State's automatic trails provider payment system. So the contract has been written so the contractor understands that if the child's level goes up and down, there is no need for a contract amendment because it is actually handled through the computerized system. What still needs to be worked out is exactly what this Board is pointing to, the administrative system for approval. She requested some options that would cover these types of contracts in the Procurement Manual. The Board approved Carolyn to put these contracts out as drafts and supply the Board with those drafts and hold an additional discussion at the 3rd meeting of October.

e) Set a Time to Discuss the Regulations of Compressor Sites

Don presented this for Mark Bean and requested the Board set a time to proceed. There is a significant impact on the Building and Planning to handle the oil and gas impacts. This was scheduled for October 14 at 8:30 a.m. on Don DeFord's time.

f) PUC Application Update

Carolyn Dahlgren submitted the map of the area to be expanded and included in the local calling district from Parachute to Glenwood Springs. In a draft letter submitted to the municipalities in the areas of Parachute, Rifle Silt, New Castle, Glenwood Springs and Carbondale. She informed the municipalities that 3 miles west of Parachute including DeBeque and Fruta will remain in the Grand Junction calling area. The drop-dead date for Commission action under the Public Utilities Law and PUC rules is October 25, 2002. Carolyn stated in the memo that she plans to file a third Status Report and a Notice of Waiver of the Section 40-6-109.5, C.R. S. as amended, 120-day and 210-day time lines mandated for issuance of a PUC decision, this week. The Status Report will inform the Administrative Law Judge that the stipulation has been distributed for signature. There is the potential of a rate increase however; this increase will be spread across all their clients sometime in the future.

COMMISSIONER REPORT

Commissioner Stowe – Rural Resort Restructuring approved and Garfield's portion for this coming year is \$5079 from \$4809 in 2002. The Summit will be in Vail on September 24, 25, and 26th and they will address Affordable Housing and we might be able to secure some of the \$35 billion dollars that Fanny Mae has approved for the State of Colorado in the next five years. The Roaring Fork Housing Initiatives (handout) regarding proposed funding for year one and two; how they are proposing funding and if we need a regional housing authority of if this is something that needs to be discussed within our Garfield County Housing Authority. Single Entry was discussed last week. Upper Valley's Government – Wed. 8 a.m.; RFTA -on Thursday; Community Corrections on Thursday as well.

Commissioner McCown –Fair Board Tues. 7 a.m.

Chairman Martin - Oil and Gas Forum – well attended tour of Chevron. Williams Energy new proposal on flaring and doing more recycling. Severance tax – Garfield County brought into compliance with the taxes. Local governmental designee, develop a job description, enforcement out of Building and Planning, better mapping. Traffic plans and Trails plans – City requested the County have a representative on the Trails Committee. Club 20 – some concerns – bond issue on log hauling and having to have a bond for small trucks requiring a million dollar bond. Ken Strong was present and stated this is an issue for him. This issue needs to be addressed. Chairman Martin wants to get this in written form. Training item – calculating growth – November 6, Watershed, Planning working on this 8:30 A.M. – 2:30 P.M.- Glenwood Springs Community Center; Workshop in El Jebel – Colorado Geological Survey.

Randy Russell – November 6, 2002, Growth Issue – City of Glenwood Springs Community Center - \$25.00 charge. What is the cost of no growth will be discussed.

CONSENT AGENDA

- a. Approve Bills Liquor License Renewal – Buffalo Valley Inn
- b. Sign Orchard Unit Agreement – EnCana Oil and Gas Company
- c. Sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement and Certificate of Reduction for the Roaring Fork Preserve Subdivision
- d. Sign a Resolution Concerned with Approval of a Preliminary Plan for the Clark Subdivision
- e. Sign a Resolution Concerned with the Approval of a Preliminary Plan for the Bond Subdivision
- f. Authorize the Chairman to Sign the Sonlight Foursquare Gospel Church Conditional Use Permit
- g. Authorize the Chairman to Sign the Amended Plat of Lot 8, Cottonwood Hollow Subdivision
- h. Authorize the Chairman to Sign Cost of Growth Forest Service Grant

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - i; carried.

PRIORITIZE EMERGENCY IMPACT GRANTS

Dr. Gary Peck and Theresa Hamilton, Contact person for the application, presented.

Garfield School District RE-2 – Staff Development and Learning Opportunity Center - \$284,350.

Gary explained the center would be nearly 4,000 square feet dedication to the training and development of the Garfield RE-2 staff, students and community members. It will house a new 1,864 square foot board room/meeting room with a divider to create two rooms and a 922 square foot, 25-station computer training facility to provide instruction opportunities on both MAC and PC platforms and a kitchenette facility so that meals can be prepared on site. The entire project will cost \$1,013,176 and Re-2 is asking 28% - \$284,350 in an Energy Impact Grant. The school will be providing \$800,900 in bonds.

Scot Doderer, Manager presented. **Silt Water Conservancy District** – Installation of a New Transformer, Pumps and Motors at the Pumping Station Located One Mile East of Silt - \$879,610. He stated that when Excel Energy upgrades their transmission line from Shoshone to Rifle, it will result in the transformer located at the pumping station will be obsolete. An assessment to the shareholders is a possibility and raise the rates. The District has \$100,000 to contribute to the project. If the Energy Impact Grant is not awarded, a loan will be necessary, however, every little bit helps in this endeavor.

The Board voted and the rating was: Silt Water Conservancy District – No. 1 priority

Garfield County District RE-2 – No. 2 priority. Commissioner McCown explained that this is just the Commissioner's rating and the two applicants should plan to attend the Energy Impact Meeting and make a verbal presentation to them.

REQUEST FOR FUNDING FROM 2003 BUDGET – LOVA/BRIAN BROWN

Brian Brown and Randy Russell as ex-officio member of the Board were present.

Brian Brown was present and presented the LOVA Trails Group request for \$6,500 from the County for 2003. The scope of the group has increased to include historical groups. The group has a goal of creating a soft and hard surfaced trail system from Parachute to Glenwood Springs and conserving lands in the river corridor in a manner consistent with their current uses. The Master Planning document is expected to be completed in six months. Up until now, volunteers have accomplished this, however, they have reached a point where a part-time position (15 hours per week) for the leadership, management and grunt work, is needed. Randy Russell stated he is very impressed about the manner in which this group has gone about its work. The interest in this corridor is great. The draft budget is very well thought through and he supports the concept. Randy supports going after a C-501 rating in order to pursue grants. Parachute, Rifle, Silt, and New Castle is the same request amount as the County. They are still working on the request amount for Glenwood Springs and projected it would be a greater amount.

DISCUSSION AND EXECUTION OF CDOT NOXIOUS WEED MAINTENANCE CONTRACTS

Steve Anthony and Don DeFord were present. Steve Anthony stated this has usually been in a contract amount.

Don DeFord expressed his concerns in a memo to the Board saying in reviewing the latest draft of the proposed contract for noxious weed maintenance on state highway right of way. The memorandum explained by paragraphs the issues Don wanted to bring to the attention of the Board. Commissioner McCown stated he favored generating a letter to the State stating, under their terms, the Board was not in favor of signing the agreement. If the County can draft their own terms, then this could be reconsidered. The County is doing them a favor and the contract is coming up with these restrictions, etc. He agreed with Don that this contract was more in line with a private entity than a County. As to BLM, the Board did not feel that this took as much time and was okay with continuing their contract.

A motion was made by Commissioner McCown to drop the CDOT but to proceed with the BLM Contract. Commissioner Stowe seconded; motion carried.

REVIEW OF ENFORCEMENT SECTION OF THE GARFIELD COUNTY WEED MANAGEMENT PLAN ADOPTED MAY 2000 AND AMENDED MAY 2001

Steve Anthony and Karen Mulhall gave a video presentation on the weed enforcement policy. Steve reviewed the current policy on the identification phase, the enforcement phase and failure to comply. Thus far, Steve stated he has had good response to the enforcement.

Carolyn Dahlgren stated that if the Board wants to proceed with the enforcement phase, this Board in the form of a Resolution must pass the policy. Commissioner McCown said he thought this was the plan from the very beginning. Carolyn clarified that beyond the arbitration policy

Commissioner McCown asked Carolyn to proceed to make this into a Resolution and present it to the Board on Monday, October 14, 2002 for Board consideration and signature placing this as an enforcement issue.

Steve added that the cost-sharing program has been successful.

REQUEST FROM WESTBANK RANCH HOMEOWNER'S ASSOCIATION FOR SIGN PLACEMENT

Doug Thoe and Marvin Stephens were present.

Steve Beattie, Attorney for the Westbank Homeowners Association submitted a letter to the Board regarding Completion of Settlement and Road Signs. He stated the HOA is looking forward to the completion of the settlement case in the courts. Additionally, Westbank requests the placement of two "No Outlet" signs within the subdivision. The first would be near the entry on Westbank Road in the vicinity of the Westbank common area. The second would be at the beginning of Oak Lane. The purpose of these signs would correctly advise the driving public that there is no outlet through Westbank Ranch, and would help reduce the confusion and unnecessary traffic. Westbank also requests the placement of a "Yield" sign for traffic entering onto Westbank Road from Meadow Lane due to a safety issue. Don stated for the Yield sign, the Sheriff needs to be contacted.

Don stated this request was originally made to him and he directed Mr. Beattie to direct this to the Board. Chairman Martin requested the Road and Bridge Department review the speed signs, etc. for the sign replacement project. This is to be a yearly inspection.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the three signs as requested and discussed. Motion carried.

Executive Session: Litigation Update, Legal Advice Regarding Illegal Right of Way Issues

Don DeFord requested an Executive Session and asked that the Board, Ed, Jesse and Mildred; Marvin Stephens and Doug Thoe remain for the illegal right of way issue.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to direct the Road and Bridge Department to write to the property owners, Ed Phillips and Paula Moore and informing them that their driveway is illegal and will be removed within two weeks unless they tender application to the Road and Bridge Department and reconstruct the driveway as requested within 30 days; motion carried. The Board requested that Don inform the Road and Bridge of this decision.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Emzy Veazy III provided the Board with a report saying that the City of Burbank, California knows more about Garfield County and also County Government. This includes the City of Glendale where he came from; it is adjacent to Burbank. The reason why Burbank even knows more, is because Holly Stevens, Congressional Aid for Congressman McInnis, will be going to Burbank the second half of November, Emzy contacted certain citizens of Burbank, and they are willing to extend courtesy to her. On Friday, his letter to the editor, alerted those people to her arrival.

Planner Fred Jarman and Pierre Dubois of Sunlight Bavarian Inn Lodge were present. Pierre stated he has been working with Planning Staff and also getting approval for some additional rooms to the Inn. He would like the additional three or four rooms to be attached mountain style cabins to be located on the flat area adjacent to the Inn, which served as the skating rink, and recreational area for volleyball and horseshoes. What they would like to do, is use structures from Stewart Cabins headquartered in Georgia but have a manufacturing site in Delta. Their units are UBC approved and the disadvantage from the County's side

appears to be the dimensions, not the square footage. The 12 x 34 units that they are looking at with 8x8 or 12x8 porch options does not meet the Regulations 20 x 20 provisions in the County code. He is requesting a variance option allowed to expand the regulations to meet hardship criteria.

Carolyn stated they would have to go to the Board of Adjustments for a variance or an amendment to the code. There is a possibility of tying this into just the commercial zoning. Carolyn stated the Board would need to show that this was not for the convenience of the County. It would assist an established business to utilize the existing place and expanding. The Board asked for something to be presented to the Board the first part of December for review.

REQUEST FOR APPROVAL SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE A NATURAL GAS BOOSTER STATION AT THE EXISTING RIFLE GAS PLANT. LOCATION: NORTH OF HIGHWAY 6 & 24, 2 MILES WEST OF RIFLE. APPLICANT: PUBLIC SERVICE COMPANY (A SUBSIDIARY OF XCEL ENERGY) ALAN MORGANFIELD

Alan Morganfield, Kent, Carolyn Dahlgren and Tamara Pregl were present.

Carolyn reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits:

Exhibit A – Public Notice and Returned Mail Notices; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Staff Report dated October 7, 2002; Exhibit E – Application Materials; Exhibit F – Email from Matt Sturgeon, Director of the City of Rifle Planning and Development Department dated September 9, 2002; Exhibit H – Letter from Steve Anthony dated September 19, 2002; and Exhibit I – Interoffice Memo from Xcel Energy dated October 4, 2002.

Chairman Martin entered Exhibits A - I into the record.

This is a request for approval for the construction and operation of a natural gas booster compressor station (Compressor” at the existing Rifle Gas Plant Discharge Compressor Station (Rifle Gas Plant) located on a 9-acre parcel adjacent to an already existing station. Due to the growth in Garfield, Eagle and Pitkin Counties, the existing 12” pipeline, which provides gas to Silt, New Castle, Glenwood Springs, Basalt, Aspen Gypsum, Eagle, Edwards, Avon and the Vail Valley, has reached capacity. The installation of the proposed natural gas booster compressor, which includes a 37’ X 72’ structure and two engines, will allow the Applicant to provide reliable natural gas service to all the customers served by the pipeline.

Staff recommends that the Board approve the Public Service Company Special Use Permit subject to the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval, unless specifically altered by the Board.
 2. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, and the Colorado Department of Public Health and Environmental standards.
 3. The natural gas booster compressor station shall comply with all State and Federal regulations and standards, such as Noise Abatement and Air Quality.
 4. The Applicant shall comply with the Garfield County Noxious Weed Management Plan. Weed management shall take place on the entire property.
 5. The installation of the second compressor engine shall require applicable building permits. Prior to installation of the second compressor engine, an air quality permit shall be submitted and obtained by the Colorado Department of Public Health and Environment.
 6. An application for an air quality construction permit for the second compressor engineer, prior to its installation, shall be submitted and approved by the Colorado Department of Public Health and Environment.
1. At the time of building permit submittal, the following shall be submitted for record;
 - a. A copy of the EPA Phase II Storm water permit shall be submitted for record
 - b. A drainage plan.
 2. The following commitments shall be adhered to:
 - a. Building lighting, inside and outside, shall be manual. Lights shall be positioned downward to minimize glare.

- b. The exterior color of the structure shall blend with the surrounding environment.
- c. Emergency signage shall be posted and comply with County sign regulations.
- d. Fugitive dust shall be maintained.

Chairman Martin noted the levels on page six of the staff report under '80 decibels during the day and not to exceed 70 decibels during the evening. This is a rural setting and the State Statute does not distinct between Resource Land and Industrial. The applicant stated there are no neighbors around the area. Alan Morganfield stated this is critical to the entire gas industry. He asked if there was any possibility of starting the project and not waiting on the building permit. Commissioner McCown noted the issue of lighting next to Highway 6 & 24. Alan stipulated that this was EnCana. Chairman Martin wanted to address the noise because the overall cumulative effect of all of the stations are becoming an issue. Alan stated this is the existing site for Public Service and the one proposed is in a cove. The specific location was pushed as far away as they could locate it. Chairman Martin requested to design this with the least amount of noise possible. Carolyn read the Industrial Statute quoting the 80-db levels.

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

Commissioner McCown made a motion to approve the Special Use Permit with the conditions noted by staff with number four (4) reading, "the applicant shall comply with the Garfield County Noxious Weed Management Plan and shall take place on the permitted property prior to the completion of work involved in the Special Use Permit", scratching (a) in number seven (7) and wasn't sure why but Tamara had number nine (9) building height 31.9. Tamara explained that the Board does have discussion of increasing or allowing them to increase it. Commissioner McCown clarified that 31.9 was what the applicant requested. Commissioner Stowe seconded the motion; motion carried. Chairman Martin reminded the applicant that this would be reviewed in 6 months and noted there could be the possibility of having some restrictions on the noise levels.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST TO APPROVAL A SPECIAL USE PERMIT FOR A KENNEL, LOCATED APPROXIMATELY 5 MILES SOUTHWEST OF GLENWOOD SPRINGS, OFF COUNTY ROAD 125. APPLICANT: WILLIAM PINKHAM

Mark Bean submitted a request from staff to continue this until October 14, 2002 at 1:15 P.M. The applicant has no objection to that date.

Due to some confusion as to when this hearing was to take place, David Dusett appeared to testify in this matter. The Board reviewed the Minutes of August 5, noted the matter was continued until October 7, 2002, however Mr. Bean was to be out of town, and had requested this be set back until October 14. This matter was continued and no notice was required. However, the Board heard public testimony.

David Dusett – 0392 Springridge Drive, his only comment is that I would hope that the Commissioners would take Mr. Pinkham's performance into consideration before making a judgment on his special use permit and the other issue he put before the Board is if this were granted, would he have legal right to the roadways to run these animals. Don DeFord stated it is a public road as well as a County road and by way of example he mentioned that a cattle drive in a lawful use of a public road, so as long as they're not obstructing traffic or hindering traffic it probably would be a lawful use.

Don DeFord suggested that a Copy of the Minutes of August 5, 2002 be accepted and submitted into the record.

Commissioner McCown moved to accept the Minutes of August 5, 2002. Commissioner Stowe seconded; motion carried.

Chairman Martin entered the Minutes into the record.

Telephone contact was made with the office of Bob Noone to confirm a 9:00 a.m. agenda time for October 14, 2002.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue this matter until 9:00 a.m. on Monday, October 14, 2002.

DONAHUE PLAT AMENDMENT (Tassada Exemption)

Carolyn Dahlgren, Fred Jarman, and Shirley Donahue were present.

This is a request to amend the Amended Tassada Exemption Plat for Parcels 2A and 3A. The property is located approximately 2 miles southwest of the City of Rifle along County Road 320 within the A/R/RD Zone District of Garfield County.

The Tassada Exemption Plat was originally approved by the Board of County Commissioners in 1998 with Parcels 2 and 3 containing 28.3 and 22.5 acres respectively. In 1999, Shirley J. Donahue purchased Parcel 2 and amended the Exemption Plat that transferred 5 acres from Parcel 2 to Parcel 3. As a result, Parcel 2 became Parcel 2A having 23.3 acres and Parcel 3 became Parcel 3A having 27.5 acres. Since 1999, Ms. Donahue has now also purchased parcel 3A. At present Ms. Donahue would like to adjust the lot line between Parcels 2A and 3A in order to reduce Parcel 3A from 27.5 acres to 4 acres and enlarge Parcel 2A from 23.3 acres to 45.9 acres. This plat amendment will not create any new lots and is consistent with the parameters of the underlying zone district. Both reconfigured parcels will continue to share an existing well located on Parcel 2A as well as the Taughenbaugh Ditch for irrigation water. The Board shall not approve an amended plat unless the applicant has satisfied the following criteria:

1. All Garfield County Zoning Requirements will be met
2. All lots created will have legal access to a public right of way and any necessary access easements have been obtained or are in the process of being obtained. (Directly front CR 320.)
3. Provision has been for an adequate source of water in terms of both the legal and physical quality, quantity and dependability, and a suitable type of sewage disposal to serve each proposed lot.
4. All state and local environmental health and safety requirements have been met or are in the process of being met.
5. Provision has been made for any required road or storm drainage improvements.
6. Fire protection has been approved by the appropriate fire district.
7. Any necessary drainage, irrigation or utility easements have been obtained or are in the process of being obtained.
8. School fees, taxes and special assessment have been paid.

Staff response to the above eight criteria – all criterion has been met.

Staff Recommendation:

Staff is in support of this amendment. Planning Staff therefore recommends that the Board of County Commissioners approve this amended plat request.

Shirley Donahue confirmed this was requested so she could see the five-acre parcel.

A motion was made by Commissioner and seconded by Commissioner to approve the request to amend the Amended Tassada Exemption Plat for Parcels 2A and 3A for the Donahue parcel as reviewed today and testimony to be taken into consideration; motion carried.

REQUEST FOR \$500 AND AUTHORIZE THE CHAIRMAN TO SIGN ASSESSMENT GRANT FOR SUTANK BRIDGE – TOWN OF CARBONDALE TRAILS COMMITTEE

Jeff Jackel, Wick Moses, and Shane Lincicome were present. John Hoffman, Carbondale Trails Committee was not able to be present. Jeff submitted to the Board a request for the County to contribute \$500 to the assessment of the condition of the bridge. The bridge is the fourth oldest bridge in Colorado and is listed by the Colorado Historical Society. A consultant looked at the structure and recommended something needs to be done within the next several years or it will not be able to be restored. At the present, it is posted as unsafe – do not cross the bridge, but fisherman still use it as a foot bridge to cross the river.

Commissioner Stowe made a motion to approve the \$500 for the assessment. Commissioner McCown seconded; motion carried.

REQUEST TO CLOSE MOTOR VEHICLE ON NOVEMBER 5, 2002 FOR THE GENERAL ELECTION – RIFLE AND GLENWOOD SPRINGS OFFICES

Mildred Alsdorf requested approval from the Commissioners to close the Motor Vehicle portion of her offices on Tuesday, November 5, 2002 for the General Election. She stated that she uses all her staff for emergency registration, assistance to voters, and in processing ballot to be counted.

Commissioner McCown moved to authorize Mildred Alsdorf to close Motor Vehicle as explained; Commissioner Stowe seconded; motion carried.

ADJOURN

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

Attest:

Chairman of the Board

OCTOBER 14, 2002
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 14, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- ***Employee of the Month – Pat Antonelli – Road and Bridge***

Pat has been an employee for 26 years. Marvin congratulated him. Jake said he a very likeable person to work with; Pat's the mechanic, and he also runs equipment in the winter for Road and Bridge.

- ***Citizen Request to Place Stop Sign on County Road 110 – Doug Thoe***

Marvin Stephens and Doug Thoe were present.

This is located on County Road 110 but it is on the frontage road. The Commissioners felt this was an appropriate request and had no objections. The Board recommended a "slow" sign to be installed as well on CR 110. Marvin will advise the Sheriff's Office and CDOT of the plans to install these two signs.

- ***Update on Airport Application for Federal Assistance for Ramp/Update on Airport Issues – Brian Condie***

Brian Condie and Ed Green were present.

Ed requested approval to sign the Application for Federal Assistance Grant with a potential cost to the County of approximately \$16,000. Ed stated the description of the project would be to expand the Aircraft Apron on the east and west side of the Airport. The Grant would be for \$150,000.

Commissioner McCown made a motion to approve the Chair to sign the application for Federal Assistance for the Airport Aircraft apron east and west side of the airport for \$150,000 with \$16,000 County expense. Commissioner Stowe seconded; motion carried.

Airport Update

Brian issued the update on the Airport Security – security is still a priority and they are tightening up. The gate into the Airport has been updated with security cards. The FBO has a no fly list to prevent inappropriate charters from transpiring. Assessments are being conducted to bring Garfield Airport up to standards with other airports. Financial Management – Aviation costs have gone up and whenever you try to raise fees, Brian stated the users of the Airport over the last three years have continued to pay their increased shares. The comparison shows that for every dollar that the users pay, the County pays eighty-five cents; at present, it is 54% of the user fees to 46% of County matched money. They would like to 60-40% split. Their goal is to be at a 74-25%.

Update on Precision Aircraft Maintenance - Brian said the final lease is still pending. They have not completed their application for aeronautical activities; they refused to do that. Their insurance coverage has expired and they're not getting the current insurance. In talking with our risk assessment and current insurance agent, Garfield County is now liable for all premises and hanger keepers' damage. Carolyn stated they have written documentation as to the verbal and written warnings they have been given; but Carolyn stated they have not started the quit action to date. Brian said he is still proceeding as if it is going to come under compliance. We're giving him every opportunity to do so. There are others present who can carry out their business. Brian said the gist of smaller general aviation aircraft is that they bring revenue to the County in the tune of \$2,400 a year and we have 20 aircraft out there of that nature. From Brian's analysis, there is a need for 20 more T-Hangers.

Commissioner McCown stated this is a Garfield County Airport, those people in those piston driven aircraft are Garfield County residents, and as long as he's a commissioners, they're going to have a home at the airport.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Discussion of Process for Vacating County Roads***

Don DeFord and Randy Russell were present. Don DeFord submitted a draft Resolution stating that on September 24, 2002 submitted a memo and a draft Resolution to several individuals in the Building and Planning Department, the Commissioners, and Road and Bridge for review and comment. Several comments were received and Don incorporated them into the submittal today of the Draft Resolution establishing procedures for vacating public roads and rights of way. He explained that it is within the

interest of health, safety and welfare of the citizens of Garfield County that a standard procedure be adopted pursuant to which the Board of County Commissioners will consider requests to vacate public roads and rights of way. He addressed the requirements for the application necessary to adequately review the requests including a narrative addressing the reasons for requesting the vacation; a letter from any involved utility stating the position on the proposed vacation; whether or not the proposed vacation provides any access to public lands and if so evidence shall include posting, publication and notification as required by Statute within the given time period; names and addresses of all property owners adjacent to that portion of the right of way proposed for vacation including public land owners; and fifteen copies of all information as required by this section. Additionally, Don reviewed the following sections: Department Review, Review and Hearing Dates, Department and Agency Referral; Agency and Department; Staff Report, Planning Commission Review, Board of County Commissioner Review, Action Subsequent to Vacation, Prohibited Vacations, and Effective Date.

The Board decided to hold this over for a lengthy discussion. The Forest Service and BLM will be included in a work session to be set sometime in October/November. Don stated he would send this draft to the Planning Commission for their review to try to obtain comments. Mark will determine a date when the Planning Commission and the Board can meet.

EXECUTIVE SESSION – LITIGATION UPDATE – CLARIFICATIONS ON DOG KENNEL RESOLUTION – LEGAL ISSUES REGARDING MAMM CREEK AND SPECIAL ASSIGNMENTS

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; motion carried.

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

COMMISSIONER REPORT

Commissioner Stowe – Forum with Glenwood Springs - Candidates Night out Thursday, 6:00 to 8:00 PM. No Personnel Meeting.

Commissioner McCown – Last Thursday, Associated Governments in Steamboat. Steve Colby and re-emphasized the Severance Tax – he thoroughly sees a trend that they will be going down because of the depleting of the coal bed methane in the LaPlata County, so that fund will be depleting as well, so do not budget the same for next year and don't try to extend that out to future years on a projected rate of growth. He will be hunting next week.

Chairman Martin – CCI in Denver tomorrow; Circle of Excellence with CMC; Western Governor's Association at the Governor's Mansion Tuesday evening; Federal Wildland Board trying to making policy and getting information from the affected counties in Colorado who had wildfires this year, the working relationships, etc. John's a Candidate for the Public Lands and Forest Health position for NACO; he was awarded that Board position and there will be three meetings to attend, first on in February 2003 in Washington, DC., and they will be working on PILT formula and hopefully get HB 5569 incorporated and made into law. This gives us permanent funding for PILT.

CONSENT AGENDA

a. Approve Bills

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Item a; carried.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING REGARDING A REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO ALLOW A KENNEL. APPLICANT: WILLIAM PINKHAM.

Don DeFord, Mark Bean, William and Ms. Pinkham, Attorney Bob Noone, and Tom Dunlap were present. Mark explained the request saying the applicant is proposing a dog kennel on-site to house, raise, and breed husky dogs for personal dog sledding/racking and a future (dog sledding) business to be run off-site. The tour business is a future venture where the dogs are to be brought to a designated site (off-site) to meet clients for dog sledding tours. No parking of vehicles by clients is to occur on-site.

Waste remaining on-site was proposed to be treated in a large pit, first by burning and then adding lime. In a subsequent application, the applicant proposed to select the most efficient method of disposing of waste. Staff stated that the applicant needed to propose one method of waste disposal for the application; therefore, the applicant selected to contract with Waste Management to collect and contain animal waste in

plastic bags on a daily basis, continued in a commercial dumpster, picked up weekly, and disposed of in a manner acceptable to protect public health and the environment.

Breeding is not proposed to begin for two to three years. The applicant is proposing a maximum of forty (40) dogs at any one time on premises once breeding is begun. These dogs are to be tethered in clustered outdoor kennels, immediately adjacent to the steel building. To further mitigate any noise from barking dogs, the applicant is proposing to place earth and hay bale berm, ranging in height from 36" to 72" in height on portions of the property. The berm on the north side of the upper dog area is to be placed immediately, with another five berms noted as "future berm as needed."

The staff cannot recommend approval of the application at this time, due to staff's interpretation of Section 5.03.15 (2) and (3), which deal with dust, odors, source of filth and disposal of animal waste in a "sealed container capable of being pumped."

Exhibits A – D were submitted into the record at a previous hearing.

Chairman Martin swore in the speakers.

Mark submitted Exhibit E - the original Application; Exhibit F – Supplemental application and Exhibit G – Additional information by Dunlap Environmental Consulting, Inc., and Exhibit H - Minutes from August 5th.

Chairman Martin entered Exhibit H into the record.

Bob Noone – Mr. Pinkham is doing whatever possible to meet the compliance including using the system of waste as recommended by Mark Bean.

Tom Dunlap was present; he testified that there are other alternatives to deal with the waste to protect the waste treatment. It involves a steel container where waste is dumped into plastic bags and dumped. Tom's resume submitted July 31, 2002 was reviewed once again. Dust was not addressed in the original application, the site is basically Juniper/Pine and the property has been used for cattle ranching and 25 dogs were on the property before Mr. Pinkham purchased the property. There is no vegetation to disturb.

Dry Park Road is notorious for creating dust; a practical application needs to be applied.

Berm – Bob Noone stated they have previously submitted information, noise level measurements, and believe the property is within the proper levels established within the guidelines. There is no need for any more protective measures to deal with noise. Mr. Pinkham took a good neighbor approach and has placed a very substantial berm to the north side of his property. There's no injury here to address. Tom Dunlap addressed the points that Mark Bean submitted in the staff report. The information he provided was for clarity to the concerns addressed at the other meeting. Noise – the kennel operation is allowed by the standard 50 db at night and 55 db at night. As Mr. Noone stated, to be in compliance with his neighbors, the straw berms are beyond what would be needed to mitigate the sound levels for his neighbors. September 26, Mark requested additional information. A copy of a non-exclusive easement, this has been satisfied. Display – giving the location of Mr. Pinkham's property showing the neighbors are a little over one mile away. Springridge is at 7400' and Mr. Pinkham's at 7200'. Dog Waste – Tom explained the proposed process in the application. Tom stated the proposed waste management does meet. Liquefied waste - the dumpster will not leak, if it does, Waste Management would supply a container that does not leak.

Hazardous waste advised Mr. Dunlap that leaving the waste in a solid form is better than liquefying. The language of the text amendment regarding waste led them to go in the direction of the application for dealing with solid waste. Berms – this is voluntarily on the part of the Pinkhams. Display two – a topographical view of Mr. Pinkham's property showing the berm areas, also showing the upper and lower levels of the property. Staff comments were interpreted that all the berms were to be installed at once and if violated – referenced the August 5th minutes. Mr. Pinkham also intends to purchase a sound meter to determine his compliance with the regulations of this Board. Display three – Upper and Lower Levels – dog holders where the dogs would live. 36" at the top and 72" lower and asked for some variation in the height if necessary to comply with noise levels.

In closing – some staff conditions – referred to in an earlier hearing. The staff's recommendation for denial was read. Bob Noone submitted the Noise Level Comparisons once again for review. This was submitted as Exhibit I – Noise Level Comparisons. Michael Larime – 4209 Springridge Subdivision – observing that Mr. Pinkham is a very responsible property owner but speaks for a number of neighbors who feel as he does that this is not an appropriate use for this parcel of land and named some uses for the Board to consider: Noise and Noise Mitigation Issues; Dry Park area is an– exceptionally quiet neighborhood and the proposed noise levels of 50 and 55 db should not apply here rather to an urban areas. Mitigation attempts – County standards not appropriate for this area. Personal reports from neighbors are that the dog noise was audible and this should hold some dust issue – dust is eminent to this area and a commercial use

of the property will raise more dust in the area. Pointed out that commercial traffic from 8 am to 5 pm would create noise to an area noted for peace and tranquility. Strong concerns if this is approved; since the special use permit goes with the land, if another owner were to purchase this property, the neighbors could not be assured of the same treatment that Mr. Pinkham has afforded them. Does not believe the noise levels represented a 40-dog resolution. Commissioner McCown reiterated that the 50 and 55 db is the State's level that the Board adopted and the SUP goes with the land as well as the conditions. Any deviations to these conditions would generate a firm response from this Board. Al Bevin – 67 Springridge Court – at last hearing the Commissioners adopted one blanket ordinance to apply to urban and rural and the noise limit standards that apply to Denver, Colorado Springs should not apply to the countryside. He also voiced concerns over loose dirt and inquired if it will be vegetated. He also asked if conditions such as wind direction, etc. were considered when the sound was measured. Tom Dunlap – yes, wind was factored into the readings. John Traul – Springridge, made a comment to noise levels and reiterated there were 22 lots one mile away from this proposed kennel. They look at the problem of what it is now and then what it would be if this is allowed. Dogs running up and down Dry Park Road creating noise and pollution. Dogs that a nuisance – up to the owner as to what is a nuisance. Dog sleds on Saturday and Sundays- this is the neighbor's quiet time; if approved there will also be another subdivision south of Springridge and south of Pinkham's. One of the problems with reference to fecal material is the relationship of Pinkhams to their well. Approximately 1/3 down the road and he has been told most of their water comes south of their property underground. One of the problems of fecal material lying on the ground all day is with rain and snow soaking this into the ground. Dr. Traul pointed out that Bill Pinkham has been running the kennel out of compliance and he personally has a hard time understanding this problem. Complaints were made over a year ago. Requested a copy of these hearings – to know exactly what was to be done. David Dusset referenced a landowner buying property at the end of a runway – they know it's there when they purchase the land. Mary Ann Vigili was sworn in. She mentioned the tourist attraction for Tourism and added that she impressed with Mr. Pinkham and the measures he has taken in this kennel and operation and urged the Commissioners to approve the request.

Dick Miller – hearing potential of doing this and that and has a low feeling that inspections will be done. He asked about having weekly inspections. Michael Larimer – amplified Mr. Bevin – these zoning regulations are in place and citizens rely upon the Commissioners and property values etc rely on the enforcement. Barbara Larime – one comment regarding the tourism aspect saying she was not in a hurry to see a lot of tourist coming to their area. Commerce – not appropriate in this area. Agree it is a wonderful thing but not in my neighborhood. Teresa Traul – stated she has been awaked at night with the barking dogs. Bob Noone –Zoning Regulations are in place to protect and are not there to unnecessarily hinder a property owner from using their property. Civil action is in place and others who feel a use of a property is not appropriate, can pursue this legally. The noise levels, despite subjective – the data should be focused on – if any violations, procedures of enforcement SUP and personal remedies in the Courts. Mr. Pinkham wants to live with his neighbors and has gone above and beyond to comply with reasonable regulations to provide a commercial and beneficial use to the County. Will defer to the recommendations of waste but urged the Board to consider the proposed waste management. Pinkham has not aggravated except to the perception of his neighbors. He added the Board should endorse this request with reasonable conditions. Bob Noone stated that the property purchased by his client was formerly owned by Randy Smith; three years ago, Randy stated to Mr. Pinkham that he had up to 25 dogs in the same area. Steve Hackett has visited to inspect. Potential Contamination of waste – dumpster or sealed container being pumped. Randy Smith bred various dogs and at one time, he had up to 25 dogs. Bill Pinkham – when he purchased, he was told he could have his dogs. In the original application, stated no problem with breeding dogs as it was done before on this property. Steve Hackett inspected the Pinkham property the 3rd week of January and it's been the same since he was there – 4 adult dogs and yearlings. Yearlings were described as puppies up to one or two years of age. Steve Hackett verified there were four adult dogs and a number of puppies. Bill said he understands the concerns of his neighbors – would like to move on with his life. He added that he spent a lot of time at the end of his property. He commented on the proposal that might happen regarding putting another 100 homes in the immediate area. He stated that growth and progress is going to happen and we need to live and let live. Bill explained that he was comfortable with the hours of operation being proposed. He runs dogs in the Yukon Quest and they run at night; occasionally he need to camp out with his dogs in the wild. His dogs are kenneled in a box for moving and when he arrives on his property, he can simply leave the dogs in their box on the back of his pickup truck for the night. He said he had thought of using straw berms holding them in place with dirt and plaster but stated he is open to more discussion as to

what was the best. – input would be welcome. Putting all the berms up now, proven it's not necessary. As it is now, the noise level is minimal at best to where anyone is living. There are dogs all over the area and he can hear them.

John Traul – clarified the different sounds of the dogs whereas a wolf or a husky have a very high pitch; when it's really quiet you can hear these dogs barking and they get awakened by it. This is a commercial operation being proposed with potential of dogs going up and down the Dry Park Road. He reminded the Commissioners that these are homes that are valued at \$1 million to 1/2 million dollars. He asked the Board of County Commissioners to deny the application agreeing it's for selfish reasons but they were there before Mr. Pinkham.. Mr. Pinkham clarified that his dog sled operations would be on federal land. Commissioner McCown made it clear that when the Board was discussing the kennel operation, the impression he was under was one dog per acre – a total of 40 dogs no matter if the dog is 2 weeks or 2 years old.

Bill Pinkham stated he would not have a problem living under that rule.

Commissioner McCown also referenced the waste disposal and berms.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this hearing until next Monday at 10:15 a.m. Chairman Martin cautioned everyone that this is not a group deliberation; if we need to gather information, it must be done individually and not to have ex parte communications with the applicant or the public without bringing it back, reopening the hearing, and having that testimony heard by the public. Legal questions can be directed to our staff and all deliberations made in the public as well as the decision in the public forum. Motion carried.

2002 BUDGET SUPPLEMENT

Lois Hybarger submitted the Resolution concerned with the Eighth Amendment to the 2002 Budget and Eighth Amended Appropriation of Funds.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve Supplement Number 8, with Exhibits A and B; motion carried.

Al Maggard – Criminal Justice Services Board

Al stated that two letters were sent to the Board, one as far back as January 2001 however, it is apparent that they have never reached the Commissioners. The request submitted today is to appoint replacement members for vacancies: Ray Limoges to replace Terry Norris; Bob Zanella to replace Lynn Shore; and Michael Lucid to replace Lynn Shore. Note – Michael Lucid is an ex-officio board member and no motion was necessary to appoint him.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Ray Limoges and Bob Zanella to the Criminal Justice Services Board. Motion carried.

Criminal Justice Services Board - Discussion

Al requested a workshop with the Commissioners to review the actions of the Board in the last two years and a general conversation November 18, 2002; 2:30 P.M. He also submitted a draft addition to the original Resolution stating a paragraph was left out and is important to clarify the representation of those serving on the Board. Also, to add Roaring Fork Valley after Rio Blanco to include those individuals who are interested in volunteering that live in Eagle County but work in Garfield County same as Rio Blanco representatives. There is a good Restorative Justice program in Basalt and they need to be included in this CJS Board.

A discussion and an amended Resolution will be presented November 18th. At 2:30 P.M.

Community Corrections Workshop

Al submitted a formal request to have the Board and the County Attorneys to meet with the Community Corrections Board on October 25 to review the lease requirements for a Community Correction Facility at the Airport. Some revisions have been made and want to review this with everyone involved in the decision process. A time has not been set.

Weed Management Resolution

Carolyn Dahlgren clarified the Board's pleasure on how to include the Weed Board Membership. The Board wanted to have appointments for replacement members and re-appointments made as necessary.

DISCUSSION REGARDING OIL AND GAS COMPRESSOR NOISES – SIDNEY LINDAUER

Sid Lindauer submitted several letters, including letters from Gerhard and Sandra Aldersea, Howard and Sarah Orona, addressed to the Commissioners regarding noise and sound levels from combined stand alone and building covered gas compression engines and fan units used by the oil and gas industry to extract

water, carbon dioxide, etc. form natural gas pipelines. The letters also addressed loud noise effect on wildlife in the lower Parachute Creek Valley from the gas processing compressors. Sid submitted a detailed sound levels that ranged from 60 to 80 decibels stating they significantly exceed the Colorado Oil and Gas Conservation Commission aesthetic and noise control regulations. He included a copy of Rule 802. of *"Rules and Practice and Procedure"* that the Commission has adopted. Sid took the decibel readings himself with a meter.

Mark stated we use the A schedule and if we were going to get into other schedules, such as C schedules, then we would need an expert. The A schedule is operated by the State.

The Board can be more restrictive and must show reasonable basis for requiring it.

Commissioner McCown stated the Interstate would not pass the standards. Anything above the normal conversation would reach the 50 – 55 degree level. Commissioner McCown stated the complaints he hears on the compressors is not so much the exhaust noise, but the fan noise. Those compressors all have huge fans and in order to cool those motors, they are moving a tremendous amount of air. That is where the lower level decibels that Sid is talking about is coming from that huge fan sucking the air or blowing the air through that radiator. He wasn't sure how we eliminate it and still let the industry continue. That is the dilemma the Board is faced with, you cannot completely enclose those compressors because of the pressure it would build up in a building and the exhaust that would be emitted in the building, there has to be some type of a venting system. Sid stated on the Parachute plant north, the larger one, but in the Heyburn and Roan Creek plant just above him, they have plans drawn out to put sound walls in front of them, so that should help that fan noise also. Bob Gardner told Sid that most of the noise comes from the compressor engine. Commissioner McCown – any wall you put there, at least from what we've been told by all the supposedly sound experts that come before us on other matters, if you put a wall in front of it, that sound is going to deflect and go somewhere else. If you put a berm on it, it's going to absorb part of it. The sound that you take away in one area, you're displacing it and putting it in another area. We still have the problem, are we going to enforce the statute or are we going to come up with guidelines that go beyond the statute and render the industry inoperable. That's the choice we need to talk about. Twenty-five foot inside the property line is where the level is measured, that's per the Statute, 50 and 55 db is the level granted by the State; Sid is contending and I'm not contesting what you're saying, but that is too high. That is an unreasonable level. That has been accepted Statewide in all the other industries. Now, does Garfield County want to charge ahead, go with lower decibels, and try to enforce it? That's where we are at the present time. Chairman Martin said he thought we should have some kind of a, number one the review process, and also number two, is that we definitely need some kind of mitigation to the sound that's in direct line with all of the folks. I think we should forge ahead on that. At 55 db, we can work with the industry as well as the enforcement portion of that industry to come up with some way of making it bearable for everyone else. And if we have ten compressors in one location, that's overkill. Commissioner McCown reiterated what Sid stated in his letter and Janie will attest to it, they're at 43 db, below the legal limit. Sid confirmed that 43 db is at his residence, and 49 db at the property line. Commissioner McCown – Fifty feet inside the property line. The only other way to mitigate that is to lower the legal limit. Don DeFord – Several months ago Carolyn had a chance to take a look at our specific ability to adopt our own noise ordinance (this was in relation to the dog noise) but some of it may be applicability here and asked Carolyn to comment. Carolyn – two things, one is the issue of whether or not we can adopt more strict standards – it appears we can, there's no case law on the Statute, but the Statute has a double negative, so it's hard to interpret. The second issue is what kind of noise the County can regulate. And it appears that we're limited to vehicle kinds of noise. The State has their standards for other kinds of noise, but the County is not empowered to regulate each and every kind of noise there is by a general ordinance. If we're going to go there, Carolyn said she would need to go back and review this. Don added that this came to mind as he was thinking about it and remembered Carolyn took a look at this; she also had a chance to see what other Counties had done around the State. We were looking for a model ordinance. Boulder County adopted an ordinance particular to vehicle noise. Originally, when Counties were empowered in this area, what they were thinking was the urbanized areas where you have the un-muffled cars, etc. As we get into it deeper, we might be restricted in the type of noise that would not include this – not because of the Oil and Gas Commission but simply because we haven't been given the authority. We need to look at it and give you an opinion on this issue. Commissioner Stowe – so even if we go ahead with this, we may still be bound to the 50 – 55 db limit. Commissioner McCown asked how we would proceed in looking at it. Don said the County Attorney's office if you tell us and we'll give you an opinion. Commissioner Stowe said that's what we want you to do. Sid added that tomorrow at 7:00 PM, Jamie is coming down to the Ranch

and they have invited Williams and we're going to try and repeat those readings and take a closer look rather than just having a single reading. Commissioner McCown – it's not really Williams compressor that's causing the problem, it's EnCana that's closer to you. Sid cannot really tell which one it is because they really lined up together. Sid said the two enclosed compressors are actually the closest to him. Commissioner Stowe – in looking at that ordinance Don, we talked about A sound and C waves and I don't know what all that means other than C is a lower frequency, probably somewhat similar to the vibration you get at your chest when at a concert, but see how that ties into all those regulations and if that even makes sense. I'm fully aware that you can feel the low frequency sounds even though you can't hear them as a vibration.

The C scale, often to measure the decibels of loud bands, etc. If we're going to look at this, we need to look at the board spectrum to see where our authority lies. Don said we'll give you an opinion generally on noise and where the County's regulatory authority is in relation to it. Chairman Martin – I would also like to make contact with Jamie and see what his findings are as well. And to see if he has any suggestions that we can go ahead. I think we need to do reviews of special use permits on the placement. Commissioner Stowe said once we have all the information to see if it makes sense or not. Commissioner McCown – without having the knowledge on what we can and can't enforce on noise, to me the special use permit at this point would be very ineffective because we cannot place noise regulations on it. Chairman Martin – knowing that could be a concern on the placement, we need to at least have the input that we know they are going into place, and how big they're going to be, what direction they are going to be turned, etc. so again, we need to let the industry know that this is one of the areas we wish to review. Commissioner McCown – then will that be handled as any other special use permit, are we going to hearing them, are we going to decide as the application comes in if we're going to hear them, are we going to refer them to planning and Zoning, are we going to look at each one individually are we going to see a policy, it's going to be a considerable amount of workload if we go through the Planning and Zoning Process with all of them. Chairman Martin – it may be but we need to be consistent but we need to get into that review process simply because we're going to see many of them into the future and we need to get our foot in the door now. I think it should be a policy we can discuss, and I think we should put it in place. Commissioner McCown – not disagreeing but John, are you thinking that each one will be looked at individually whether it'll be referred or not, are we going to refer them all to Planning and Zoning, then come to us or how are we going to handle them. Chairman Martin – I'd like to see us refer them to Planning and Zoning to start off with and then back to us. Commissioner McCown – that could mean another two nights per month for the Planning and Zoning. Commissioner Stowe wants to wait and see what the regulations say our authority is before we proceed. I have no problem hearing a special use permit rather or not we decide to put it in front of the Planning Commission, is something we need to look at, but whether we can even effectually do anything through a special use permit if we don't have the authority, then it wouldn't make sense. If we do have the authority it makes sense, but if we're just writing legislation to write it, it doesn't make sense. We understand Sid and are behind you and appreciate all the research you've done as it gives us a broad base to look at and our attorneys is way to go. Now it's up to this Board to make those steps and see what we can come back to you with. Larry agreed. Chairman Martin asked for a date certain – Don said he hoped to be able to do it by your first meeting in November – the 4th, because Carolyn's done a lot of work on it already.

EXTENSION REQUEST FOR THE PARRINGTON EXEMPTION FROM THE DEFINITION OF SUBDIVISION

John and Nila Parrington and Fred Jarman were present. Fred submitted a request from Attorney John Savage requesting the deadline for submission of the Final Exemption Plat be extended to December 16, 2002.

Fred submitted a project information and staff report stating that the Board of County Commissioners approved an Exemption from the Definition of Subdivision for the Parringtons, on June 17, 2002. This approval required the Parringtons to satisfy all conditions of approval and submit an Exemption Plat to the Board for signature within 180 days of their approval, October 17, 2002.

The Planning Department received a letter from Attorney John Savage on October 7, 2002 requesting an extension of three months (until December 15, 2002) in order to complete their commitments to the county satisfying all their conditions of approval and submitting an Exemption Plat to be the Board of County Commissioners. The applicant indicates they have experienced certain delays in successfully obtaining well permits and the water wells drilled and tested. As such, they request an extension to the approvals.

In the past, it has been the practice of the Board to grant one-year extensions for applications that have received an approval for an Exemption from the Definition of Subdivision. In this case, the applicant is only requesting a three-month extension to December 16, 2002.

Staff recommends the Board of County Commissioners grant an extension for one-year to June 17, 2003 for the Parrington Exemption from the Definition of Subdivision.

Fred submitted two letters to the Commissioners from neighbors of the Parrington's: a letter from William and LaVonne Snyder stating that nothing has been done to comply with the conditions, which directly affects them as neighbors. In fact, they claim that more devious acts to include harassment have been made upon them by several members of the family. Additionally, they requested the Garfield County Code Enforcement Officer, Steve Hackett to pay a visit in order to see the violations. Therefore, they protested the extension request. And, a letter from Alvin and Linda Hansen stating the discrepancy between the boundary line and the fences, which exist between the Hansen's and the Parringtons was to be resolved by a cross conveyance of a new boundary line for the west boundary of the Parrington property; however they have been advised that the Parringtons do not intend to pursue resolution of this issue.

John Parrington stated the only thing they are waiting on now are the well permits. They sent them off to the State but without the permits they can't get a well drilled. A well driller has been contracted and when the permits are received, they will proceed. He stated that was about the only thing they can't comply with on the list at this time.

Chairman Martin clarified that his list meant the list of conditions in the approval of the Subdivision Exemption. Commissioner McCown stated the Board has received letters from a couple of neighbors and both of them were involved as conditions of the approval. The letters from the neighbors indicate that there is more that needs to be done other than the well permit and asked if the Parringtons were taking any action on meeting the compliance that was required, property line adjustments with one neighbor.

John Parrington said they were going by the list that was supplied by the letter from the Building and Planning Department and there is nothing on that list that says they had to readjust the property line. And, as a matter of fact, he said they went to our surveyor, which is Bookcliff Surveying to see if there was a discrepancy between the property lines. Hanson's deed and our deed line up perfectly; one is plotted on the survey, so John claimed they didn't know what the discrepancy was other than them claiming some fence lines.

Fred Jarman said as one of the conditions and this is a result of the approval that the Parringtons received in June, that list just mentioned, has a condition that ultimately requires the applicant to clean up a few things on that proposed plat that the Board did see, some of those had to do with making sure that the ditch easements were correctly shown, lot lines were correctly shown, the amended plat was part of that – enlarging one of those lots and making sure some of those housekeeping details were done; so this is more specifically what this is indicating. As part of the Parringtons requirements to come back to the Board to have that final exemption plat signed, that's one of the laundry list items that they have to complete.

Chairman Martin asked John Parrington if he received a copy of the letter from the Hansen's; and also a copy of the staff report; and a letter from the Snyder's. Fred Jarman said the letter from the Snyder's and also the staff report may have been mailed to John Savage. Commissioner McCown made a motion to grant the extension until June 17, 2003 for the Parrington Exemption from the Definition of a Subdivision but I would suggest you read these letters carefully and there are more things to attend to than a well permit.

John Parrington, the well, we put the easements for the water, it is on the plat.

Commissioner McCown – it will all have to be in place by the 17th. Commissioner Stowe seconded; Chairman Martin – make sure you read it well, if you need interpretation, either come to the staff or you can hire an attorney if you don't like what the staff is telling you, please do so if you don't already have one. Motion carried.

EXTENSION REQUEST FOR PRELIMINARY PLAN FOR SPRING VALLEY PLANNED UNIT DEVELOPMENT

Mark Bean, Tom Smith and Chuck Perry – Lemon Brothers in Atlanta were present.

Mark stated this was originally scheduled for October 21st and apparently some miscommunication occurred regarding that date. At this time, Don DeFord have not met and prepared a response to the request and asked that this be continued until next Monday morning if that would be acceptable. This is still within their timeframes.

Tom Smith, representing Spring Valley Development, stated they were told the hearing was today and expected to be able to deal with it on its merits.

Mark stated this is not a hearing as far as noticing, etc. It's a public meeting only. Mr. Smith insisted on proceeding because Mr. Perry was here from Atlanta anticipating they would go to the merits on this request but also because they are bumping up against the one-year deadline to file the final plat and if perchance at the next meeting, if they are not granted the extension, it would be much more difficult on the owners to meet the deadline of November 5, 2002. He referenced the letter dated September 14, the date they submitted the application, saying it addresses what they have been doing since the Preliminary Plan Approval and in addition to the items that are mentioned in that letter, he wanted the Board to know that they have continued to make payments to Spring Valley Sanitation District in connection with the provision of wastewater service with the construction of facilities to be utilized by the project, approximately \$80,000; at the beginning of this year, they met their obligation for \$150,000 contribution to the Glenwood Springs Fire District; the Landis Creek Metro District One and Two, which the County Commissioners approved service plans for have now Court approval of those service plans and the election is scheduled for November 5, so in addition to the items that were mentioned in the letter that they are working on, they have met the obligations in those regards which is in part to represent that they are moving forward in good faith and really believe that they will be filing plat within the extension period. Therefore, they ought to be granted that opportunity.

Mark said, as an adlib response, as noted in the letter, Subdivision Regulations do allow the Board to approve a one-year extension to the Preliminary Plan provided that extension is prior to the one-year expiration, which their expiration is October 29, 2002 or somewhere in the first part of November, not being absolutely positive. In that regard, the request is timely. He did note for the record that technically regarding the PUD Phasing Plan, they will need to amend that because they are not in compliance with their PUD Phasing Plan at this point. So, granting an extension of the Preliminary Plan technically that is something that could be valid, but in terms of their zoning, technically right now they are out of compliance with the Phasing Plan as originally approved as a part of the PUD.

Tom Smith referenced the letter saying there are some technical points with the PUD Amendment that was approved and they recognize the need to amend the Phasing Plan and perhaps address some other what they consider technical issues and that application certainly would be submitted in connection with if not prior to Final Plat Application within the extension period.

Commissioner McCown made a motion to continue to 10:15 Monday, October 21, 2002. Commissioner Stowe – seconded. Martin – nay; McCown and Stowe – aye

REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR AN EXISTING HANDCRAFTED LOG HOMES BUSINESS. APPLICANT: REX COFFMAN

Don DeFord, Tamara Plegl, Rex Coffman, Skip Ackerman who leases the property, and Davis Farrar from Western Slope Consulting were present.

Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Staff Report dated October 14, 2002; no Exhibit E - Exhibit F – Application Materials; Exhibit G – Letter from Davis Farrar, Western Slope Consulting, dated August 15, 2002; Exhibit H – Letter from Mike Davis, RFTA, dated September 25, 2002; Exhibit I – Letter from Bill Gavette, Carbondale & Rural Fire Protection District dated September 12, 2002; Exhibit J – Letter from Western Slope Consulting, dated October 13, 2002 and reflect some responses to staff's memorandum.

Chairman Martin entered Exhibits A – J into the record.

This is a request for a Special Use Permit for an existing handcrafted log homes business located at 1837 County Road 100, Carbondale. The applicant requests approval for the continued operation of the 20-year-old Ackerman Handcrafted Log Homes (AHLH). The AHLH is owned and operated by Skip Ackerman, however, the 35 acre portion of the subject property on which the business operates is part of 310 acres owned by Rex Coffman. AHLH has occupied the site since 1982 and Mr. Ackerman is in the process of pursuing the acquisition of a 35-acre parcel from Mr. Coffman, however, this acquisition has not occurred. Therefore, approval of this SUP review shall be granted to the property owner, Mr. Coffman, and shall run with the land.

The recommendation of staff is that the Board Approve the Coffman/Ackerman Special Use Permit for the fabrication and assembly of custom-built log homes, subject to the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless specifically altered by the Board.
2. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, and the Colorado Department of Public Health and Environmental standards.
3. The Applicant shall comply with the Garfield County Noxious Weed Management Plan.
4. No encroachment on the railroad corridor is allowed. The railroad crossing cannot be improved without permission from the Roaring Fork Transit Authority.
5. Special Use Permits run with the land on which it is requested. This Special Use Permit shall be associated with the 310 acres owned by Mr. Coffman, specific to the subject area, until the purchase and recorded deed of the proposed 35-acres, or said amount of land, is complete. This Special Use Permit will then be associated with the approximately 35-acres.
6. Building permits are required for the proposed new 1,500 square foot office building and 10,000 square foot storage structure.
7. All lighting fixtures shall be designed and placed to prevent direct reflection on adjacent properties and County Road 100.
8. Prior to the issuance of the Special use Permit, the Applicant shall:
 - a. The applicant shall provide documentation with regard to the construction of the 320 square foot office structure and the 120 square foot storage building to determine whether they are pre-existing legal non-conforming uses.
 - b. Deleted – all ready addressed. The applicant shall obtain and provide the Planning Department a copy of a domestic exempt well permit. Proof of legal and adequate water supply shall be submitted. Davis Farrar's letter indicated this was completed.
 - c. The applicant shall obtain an Individual Sewage Disposal System permit and install a septic system.
 - d. Documentation of the transfer of the Private Way License shall be submitted.
 - e. The applicant shall demonstrate that the noise produced by the existing use meets State standards.
 - f. The applicant shall provide documentation on the fuel storage tanks and compliance with state and local requirements and standards. Information shall be submitted with respect to the method of storage of the gas and diesel and the method of containment shall spillage occur.

Applicant comments:

Davis Farrar – the staff has covered this application very well. Davis provided the history of this property. Mr. Coffman wants to clean up loose ends on the property and needs a Special Use Permit prior to purchasing the property. The current business operates on approximately 5 acres of the 35-acre parcel. Exhibit K – Aerial photograph of the property was admitted into the record. The actual business location is hidden from the railroad corridor and is approximately 200' from the remaining property owned by Mr. Coffman. He maintained there is a minimal amount of business traffic. There is 10 to 40 employees – this varies with the amount of business. Mr. Ackerman is in the process of adding a quieter saw than what he has presently. He proposes in the future to construct a larger office. Employee housing is a future plan but at the time that becomes necessary, they will be request a building permit. Mr. Ackerman keeps about 20 semi-trailer loads of logs. Piles are limited to 16' in height. Davis commented on his letter and commented on

Requested on the items he requested a June 30, 2003. Mr. Coffman would like to secure the SUP in conjunction with the sale of the property and noted in his letter that it would be January 2003. Regarding dust – it's a graveled road and if it becomes a problem, they will be happy to address the issue. Commissioner McCown would prefer mitigation on the dust rather than having a complaint issued by a neighbor after the fact. Skip stated they have a saw chip floor where they work. They sell anything as firewood they sell, and other items they give away, the do burn some but there is no hauling off. Dale Eubank – 1617 Road 100 – adjacent to Rex's Ranch. Some screening requirements should be included. He submitted some photos to show that the trees and current screening in place it does not screen County Road 100. This can be improved. Exhibit M – Strong Lumber – no screening was required therefore there is no screening placed on the property. Davis – on the issue of screening – some photos were taken to the entrance of the project. Along the County Road 100, you can see the ridges of the structures and the cranes. There are trees along the County Road that provide reasonable screening. Skip

addressed this and to compare his operation with another, is unfair. He takes pride in having his site organized and neat. His operation is less visible than Strong's Lumber Company. Exhibit J – M were admitted into the record by Chairman Martin.

Carolyn Dahlgren brought to the attention of the Board two things: she noticed for Mr. Farrar regarding fuel containment that he may also have to be dealing with the Division of Oil and Public Safety at Labor and Employment and not just with the fire code; and the secondary issues are a secondary issue where we have un-permitted buildings on property however they've been there for a very long time and the applicant and the property owners have both committed to working closely with Building and Planning to get this taken care of quickly.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Ackerman request for a Special Use Permit with the conditions recommended by staff excluding out of 8d and changing 8a to the "applicant shall provide permits with regard to the construction of the three-hundred-twenty square foot structure and the one-hundred-twenty square foot structure building and to bring them into compliance with Garfield County Building and Code Requirement and to add number nine – saying that "applicant will take whatever steps necessary to mitigate any dust propagation to bring them into conformance with County Code Requirements for Dust, migrant dust from properties" and to quote if there is a regulations on that. Mark.

Said it's not supposed to go beyond the property line. He added that he has driven by there and is satisfied with the screening that's currently in place and having operated there for twenty-years, I think isn't adequate. Commissioner McCown asked Commissioner Stowe if he would be willing to add, in addition to any plan that the Carbondale Rural Fire Protection District may have regarding fuel storage and containment that they also comply with any fire mitigation plan that they may have. It sounds like the area is lined with wood chips, full of logs, and there may be a potential that the Fire District may have a plan for them. Commissioner Stowe – I would be more than willing to add that as one of the requirements.

Commissioner McCown seconded.

Chairman Martin – don't forget about our weeds, we have a new Weed Ordinance and hopefully that you will comply with that as well, because if the screening is weeds you're going to be looking at a screening process, and this review, a Special Use Permit is subject to review after each year, one year, and if we have other issues or complaints that come up, we will be notifying you on that as well. Motion carried.

Chairman Martin stated the County would notice the applicant regarding the one-year review of the SUP.
CONTINUED PUBLIC HEARING FOR A REQUEST TO APPROVE A SPECIAL USE PERMIT FOR THE EXTRACTION (SAND AND GRAVEL), PROCESSING (CONCRETE BATCH PLANT, ASPHALT PLANT, CONCRETE CASING AND FORMING) OF NATURAL RESOURCES AND ASSOCIATED FACILITIES LOCATED APPROXIMATELY 1.8 MILES EAST OF RIFLE, NEAR THE MAMM CREEK INTERCHANGE. APPLICANTS: JOHN MARTIN, RICHARD STEPHENSON, SCOTT BALCOMB, JAMES AND JEAN SNYDER

Carolyn Dahlgren, Terrill Knight – Land Planner for the Project; Tim Thulson on behalf of Roaring Fork Resources, Inc., Scott Balcomb, Brian Condie, Mark Bean, Sherry Caloia, Eric McCafferty, Dennis Stranger, the Grant brothers and several in the audience protesting were present.

Carolyn Dahlgren reviewed the noticing requirements with Tim Thulson and determined they were in order and advised the Board they were entitled to proceed.

Mark Bean submitted a memo to the Preliminary Staff Report, which has resulted in the applicant requesting that the public hearing be opened, but continued until today.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A – Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E - Project Information and Staff Comments – September 3, 2002; Exhibit F – Memo from Mark Bean to the Board of County Commissioners dated August 29, 2002; Exhibit G – Letter to Mark Bean from Tim Thulson, Balcomb and Green, P.C., dated August 28, 2002; Exhibit H – Letter to Mark Bean from Matt Sturgeon, Rifle Planning Director dated August 14, 2002; Exhibit I – Memo to Mark Bean from Jeff Simonson, Schmueser Gordon Meyer, Inc. dated August 19, 2002 and Exhibit J – Letter with attachments to the Garfield County Commissioners/P&Z Staff from Douglas A. Grant, received August 21, 2002; Exhibit K-1 – Mamm Creek Sand & Gravel Pit SUP Application July 2002; Exhibit K-2 Mamm Creek Sand& Gravel Pit Approved Permits – July 2002; Exhibit K-3 – Mamm Creek Gravel Pit Colorado

River Floodplain Study – Revised December 4, 2001; Exhibit K-4 – Drainage Study Roaring Fork Resources, Inc., Mamm Creek Sand & Gravel Pit, Received May 30, 2002; Exhibit K-5 – Spill Prevention, Control, and Countermeasure Plan, Mamm Creek Gravel Pit, July 2002; Exhibit K-6 – NPDES Permit & Storm water Management Plan, Roaring Fork Resources, Inc., Mamm Creek Sand & Gravel Pit, received May 30, 2002; Exhibit L – Letter from Tim Thulson, Balcomb & Green, with attachments, July 12, 2002; Exhibit M – Letter from Tim Thulson, Balcomb & Green, with attachments, September 6, 2002; Exhibit N – Letter from Tim Thulson, Balcomb & Green, with attachments, October 2, 2002; Exhibit O – Letter from James Neu, Leavenworth & Karp, dated July 12, 2002; Exhibit P – Letter from David Halford, Leavenworth & Karp, dated July 18, 2002; Exhibit Q – Letter from Scott Balcomb, Balcomb & Green, dated July 24, 2002; Exhibit R – Memo to BOCC from Richard Grant, received September 3, 2002; Exhibit S – Memo from Radimo, Ltd. (McBride Family) dated August 29, 2002; Exhibit T – Letter from Colorado Division of Wildlife, dated September 12, 2002; Exhibit U – Letter from Brian Condie, Garfield County Regional Airport, dated September 12, 2002; Exhibit V – Project Information and Staff Comments – September 3 and October 14, 2002; Exhibit W – Letter from Sherry Caloia, Caloia, Houpt & Hamilton, PC, dated October 9, 2002; Exhibit X – Letter with attachments from Sherry Caloia, Caloia, Houpt & Hamilton, PC dated October 9, 2002; Exhibit Y – Letter with attachments from Tim Thulson, Balcomb & Green, PC dated October 11, 2002; Exhibit Z – Letter from Resource Engineering, Inc. from Paul Bussone, dated October 2, 2002.

Chairman Martin entered Exhibits A - J into the record on September 3, 2002. Today he entered Exhibits K-1 – through Exhibit Z into the record.

Mark submitted the Amended October 14, 2002 Project Information and Staff Comments for a Special Use Permit for extraction of natural resources, (sand and gravel mining), processing, (concrete batch plant, asphalt plant, concrete casting and forming), associated activities and accessory uses including a shop, offices, scales, storage of raw materials and products with access off Interstate 70 Frontage Road for applicants: Gypsum Ranch CO, LLC. James and Jean Snyder on two parcels of land located north of the Interstate 70 frontage road north of the Interstate approximately 1.8 miles east of Rifle. The area to be mined is situated south of the Colorado River and north of the frontage road. The two parcels comprise approximately 483 acres of which approximately 110 acres are proposed for mining at this time with another 73 acres that may be mined in the future subject to approval of another Special Use Permit. The site is located in Agricultural/Industrial (A/I) Zone District.

Dennis Stranger was hired to review the application for compliance. He submitted a complete report to the Board and provided a review of the project. 4-2436. The project is divided into four phases. A legal description was provided by the applicant for the mining area and was listed in the exhibits. Dennis reviewed the project description highlighting the hours of operations and the Comprehensive Plan stating the subject property is located in an area identified as privately owned lands with site specific use limitations on the Proposed Land Use Districts, Study Area 3, and identified that the Regulations 8.0 - Natural Environment recognizes the mining of sand and gravel. Hazard maps were not officially adopted, floodplain and it not a condition for this permit application. All access will be onto the Interstate 70 frontage road, which is owned and controlled by the Colorado Department of Transportation (CDOT). Permits have been received from CDOT. Another permit received if from the City of Rifle for watershed. Screening and landscaping has been planned and adopted and addresses the screening and impacts to this site. This is going to be a modern gravel pit and addressing the sensitivities voiced by complains over the last several years. Noise impacts were submitted that were prepared by Walsh Environmental. This is industrial and the Board will need to determine if the residential or the industrial standard be adopted. Schmueser Gordon Meyers were hired for an engineering review.

Recommendation:

It is recommended that the Special Use Permit for extraction of natural resources, processing, associated activities and accessory uses including a shop, offices, scales, storage of raw materials and products be **Approved** subject to the following conditions:

1. All proposals of the applicant and representations made at the hearing shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.
2. Prior to issuance of the Special Use Permit, the applicant shall provide copies of all local government permits and state and federal government agency permits required in order to undertake mining and processing operations. Failure to comply with all permit requirements will result in the revocation of a Special Use Permit issued by the County.

3. Upon completion, a copy of the final decree for the approval of a Plan for Augmentation and the approved well permit pertinent to the project, will be submitted to the Planning Department prior to the issuance of the Special Use Permit. A copy of the decree for plan of augmentation or substitute supply plan approved by the State Engineer, Division of Water Resources.
4. Met - Conditions 4, 5, and 6 were eliminated due to the applicant having completed.
5. Met
6. Met - Upon completion of mining activities the ISDS shall be properly abandoned according to the applicable regulations at that time and the area reclaimed.
7. Prior to issuance of the Special Use Permit, the applicant shall clarify the location of portable toilets specifically addressing the standards to be used to assure that the portable toilets will be located such that the portable toilets are protected from the 100-year flood of the Colorado River and vice-versa. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
8. A total maximum of 200 ADT will be permitted for the property.
9. That the frontage road will be a hard surface (paved) roadway throughout the duration of the project.
10. Prior to issuance of the Special Use Permit, the applicant shall address flood mitigation efforts necessary to offset impacts created from the bearing of the pits as they relate to increased water depths and increased velocities in the Colorado River. The impact mitigation shall address all impacts associated with the south side of the river adjacent to the activity and also on the north side of the river. The mitigation plan must explain how affected properties are to be protected from the increased depth of flow. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
11. Met
12. Met
13. All activities within the gravel pit will operate in compliance with CRS Sec. 25-12-101, et.seq., noise standards. Should there be a complaint about excessive noise, it will be the responsibility of the applicant to provide documentation regarding the ambient noise levels and the noise levels of the activity causing the complaint, consistent with the State noise standards. Any such documentation will be presented to the Board of County Commissioners at a public hearing noticed in the form required by Section 9.03.04. The Board may amend the permit based upon the documentation submitted at the hearing to bring the activity into compliance with the State noise standards.
14. One sign, permitted in compliance with Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended will be allowed on the property.
15. The gravel pit hours of operation will be 6:00 a.m. to 8:00 p.m., Monday through Saturday and 8:00 a.m. to 1:00 p.m. on Sundays from March through November. The operating hours during the December through February period will be 6:00 a.m. to 6:00 p.m. Monday through Saturday.
16. Prior to issuance of the Special Use Permit, the applicant shall submit plans depicting the location of existing and proposed electric, telephone and propane gas tanks. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
17. All lighting shall be downcast and inwardly directed to minimize safety conflicts with highway traffic and with airplanes using the Garfield County Airport.
18. Prior to issuance of the Special Use Permit, the applicant shall submit a plan for permanent implementation of the recommendations of the *Wildlife Hazard Avoidance Plan* to mitigate wildlife hazards to the Garfield County Airport from the ponds and habitat changes resulting from the mining of the area authorized by the Special Use Permit. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
19. Prior to issuance of the Special Use Permit, the applicant shall provide evidence and plans assuring that the storage of all flammable or explosive substances will comply with the National fire Code and that no flammable or explosive materials will be stored within the area subject to flooding from a 100-year flood. All plans, studies, or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
20. All materials or wastes which might constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors in accordance with applicable State Board of Health Regulations or shall attest that no such materials will be stored on the site.

21. Met
22. A list of all equipment and facilities will be provided to the County accompanied by evidence of title and other information required by law to allow proper registration and taxation of the equipment and facilities. The schedule of such property will be kept current at all times with changes reported to the County. Copies of the list(s) shall be provided to the Garfield County Clerk and Recorder, the Garfield County Assessor and the Garfield County Planning Department.
23. All vehicles and equipment transported over public highways shall be properly registered with the Garfield County Clerk and Recorder.
24. Compliance with all terms and conditions of approval contained in any permit issued to the applicants, their successors or assigns, by any local government, state or federal agency, shall be deemed conditions of approval of the Special Use Permit. Any violation of the conditions of any other such permit shall be deemed a violation of the terms of approval of the Special Use Permit. The applicants, their successors or assigns, shall notify the Garfield County Commissioners of any notice of violation or violation regarding the subject mining and processing operations, equipment and associated permits issued by any local government or state or federal agency. The Board shall be notified within ten (10) calendar days of any violation or notice of possible violation.
25. The applicants must commence operations under the terms of the Special Use Permit within one (1) year of issuance of the Special Use Permit. The Special Use Permit will expire upon the determination by the Colorado Division of Minerals and Geology (DMG) pursuant to the provisions of the DMG permit(s) have been satisfied and that reclamation activities have been completed and the DMG Reclamation Bond released and further provided that any permanent ongoing mitigation activities are implemented.

NEW CONDITIONS:

26. Prior to the issuance of the Special Use Permit, the applicant shall submit a plan to protect the identified eagle's nest or a letter from the Colorado Division of Wildlife stating that they are satisfied with the mitigation measures to protect wildlife is acceptable.

Chairman Martin – asked the applicant to make sure the Board knows who the applicant is, who the property owner is, who holds the permit, and how many employees.

Tim Thulson – with Balcomb and Green representing the applicant and that is Roaring Fork Resources; Terrill Knight from Knight Planning, Dick Stephenson with Gypsum Ranch CO, LLC and Roaring Fork Resources; John Martin of Roaring Fork Resources; Scott Balcomb with Gypsum Ranch CO LLC; Jim and Jean Snyder; Consultants Edward Balerson with Environmental Scientists and Engineers, LLC who did our noise study; Ronald Bean with DRO Resources Corp. who did our wildlife study; Leslie Hope with High Country Engineering, the Civil Engineer and did the floodplain study generated for this project along with all things relating to traffic and most of the things regarding the Mining Plan; David McConaughy, Leavenworth and Karp, representing Lafarge West Inc., and Steve Wood, representative from Lafarge West Inc. Lafarge is under numerous contracts with the permitting entities will be under a contract, will be a lessee of the property. Mr. Wood will be the one to direct questions regarding Lafarge. Mr. McConaughy is here because under the Division of Labor, his law firm is doing our water rights work. Regarding the applicant, the applicant is Roaring Fork Resources. The owner of the property, at least for the purpose of the permitting technically, is Roaring Fork Resources, Inc. and Gypsum Ranch Company LLC. Gypsum Ranch Company LLC is a three-member organization composed of Scott Balcomb, Dick Stephenson and John Martin. Roaring Fork Resources, Inc. pursuant to lease with James and Jean Snyder has the lease of the Snyder property. Everyone that has any possible interest in this property is present today. If there is any question that they are encumbering property that we do not own, that is resolved today.

Terrill Knight gave an overview of the project by Power Point presentation stating that he has worked on several gravel permits and worked with numerous counties. He noted that standards are changing and they make an effort to comply with all the new issues. They are taking out gravel where the gravel is located. In this particular location, the gravel quality is very good whereas westward it is not as good. The existing zoning is agricultural/industrial and is consistent with gravel operations. All permits were secured with the State to eliminate the concern of the County. They received a district permit for watershed from the City of Rifle. A strong market demand exists and price competition is a benefit to users. The property is located adjacent to Interstate Highway 70 and close to Rifle. It is currently agricultural use/pastureland and the Colorado River Corridor with wetland and Riparian areas. The map was displayed and the phasing reviewed including the Mining and Phasing Plan, a map of the area, the view of the accesses to the property, and commenting that the land is open pastureland with a power line crossing it. They looked at

the conditions of the land and the areas of preservation such wetlands, Riparian areas, keeping them in their natural state, areas of mining and areas of surface operations and non-mining directly. A map of the surface facilities area was part of the presentation as well as a slide showing the slough and vegetation to be preserved. Another slide showed the view of the mining area with photos of the existing surface area. He added that other governmental permits were obtained: CDOT for access to highway – Mamm Creek and the frontage road; Water – a final augmentation plan is in the process as we speak and permits issued for equipment used in processing operations and mining; State of Colorado Department of Health and Environment Permit issued for control of quality water discharged from the site. This covers quality sampling, etc. The Watershed District permit issued by the City of Rifle are for the permit controls of potential impacts on city facilities; State of Colorado Division of Minerals and Geology - 112 Permit – extraction and processing of gravel resources including a Reclamation Plan and financial guarantees. A 404 Permit from the US Army Corps of Engineers that controls impacts on regulated wetlands, and a 401 Water Quality Permit. The public raised a concern regarding the existence of an Eagle's nest next to where the noise will be. He said a noise permit was issued and noise will be monitored. In Conclusion, the application included extensive studies. Government permits in place, Garfield County regulations met, Garfield County zoning and the requested approval as modified. When they first applied, they took time to address these and adjusted as needed to meet the requirements.

Tim Thulson – John Martin and Dick Stephenson went into this and studied the facts – the West End Rifle Pit, called the UMTCO Pit previously operated by Roaring Fork Resources is completely mined out. The aggregates being extracted out of that pit per year was about 350 – 450,000 tons per year depending upon what kind of pit it was. That Pit is being reclaimed at present and we have the Central Aggregates Pit, operated by Gilbert Lee and it is in its very closing days and is being reclaimed right now. North of us we have the Old Castle Permit and it's their general understanding that pit has about (5) years left on it. In order to obtain a healthy market in that area, this pit will serve a very valid purpose; it doesn't expand the market, it essentially replaces what was there. The permit procedures that we've gone through are very extension. The 404 Permit was noted is a NEVA permit process and have endangered species evaluations they went through in the context of that permit; the watershed permit with Rifle went a lot further than just water course concerns. The primary concern was the geomorphic changes that may be causing the River by our pits. The City employed Jeff Simonson to review our analysis of that; we incorporated resolutions to the problems of handling the geomorphic concerns they had and they approved it and additionally, when discussing this permit with the City of Rifle, we suggested going further as it was impacting Rifle the greatest, and entered into negotiations with the City for an agreement addressing all their other land uses and that resulting in our obligation with the berming plan and how to maintain the roads, etc. The DMG permit was a public process and public comment was taken; the 404 accepted public comment and the watershed district permit was a public hearing in front of the Board of Trustees of the City of Rifle. Chairman Martin asked if these lands were patented until the 1861 Homestead Act and if there were no reservations from the material in those patents. Dean Hubbell with Commonwealth Title run a title chain and David Harris with regard to the Gypsum Ranch Company property also ran a title chain – we have the minerals. The owners he recited have the minerals; there is has been no conveyance, no severance of the minerals. This is evidenced in the title policies and commitments contained in the application – there are no severances. The number of employees that will be employed at the Pit, there was none set in the application. There's a problem estimated the number of employees because it is market driven, they represented that it would not exceed 20 in winter or 40 in summer. In establishing a water supply for the project, the understood initially that as a stop-gap measure until the augmentation plan was in place, that they would be able to operation under the substitute water supply plan under their West Divide Supply Plan. They were informed by Mr. Craig West of the State Engineer's Office that it was not his opinion that gravel pits do not qualify under the substitute supply plan. That was a shock as they know others that are covered under that same plan and why gravel pits are different from any other well other than just extent, regardless, we have now made application for a stand alone substitute water supply plan for the permits. Exhibit AA – Substitute water supply plan specific to our permit - Stand-alone substitute water supply plan. In addressing this issue with the County staff, it was addressed as a condition of approval, which provides that we will have the substitute water supply plan or the augmentation decree in place prior to the issuance of the permit. Under that condition of approval, they cannot touch one spade of dirt; nothing as far as digging, those pits until the augmentation or the substitute supply plan are in place. He noted that the State Engineer is an active party in the augmentation case and that the substitute supply water plan is approved out of the State Engineer's Office, being the referral agency the County relied on for water rights analysis.

A month ago, we had the happenstance of locating a Bald Eagle structure; it was initially provided to Commissioner Martin through the Division of Wildlife. Tim said they had two wildlife specialists go out and examine the situation – Ronald Bean and Curt Beattie. The rest of the findings concluded that it was a false nest and Mr. Beattie's report is attached to a letter sent to Mr. Bean. With a 20' boom truck 20' and binoculars, the examination indicated that it was a practice at nesting building and no indication of actual use as a nest. They will have to abide by the Endangered Species act and indicated that this may become a Bald Eagle's nest in the future. It's in a location of the plan that is not planned to be mined for 15 years, located by Dry Creek along the western end of the project.

Ronald Bean, with Eros Resources in Denver, an associate research with Denver, works with Colorado Division of Wildlife, and in the 80's worked and monitored the Bald Eagle at Barr Lake. He reiterated that this is considered a false nest and it's on a dead branch and partially falling out. The branch is nest is on dead branch.

Commissioner McCown gave an example of an active Bald Eagle's nest located on a golf course around Craig at Hole Number Five (5); he was there in May. Also, younger Eagles built a nest above Elams Gravel Pit.

Ronald confirmed that many of these eagles could adjust to very common area. Disturbance is when something happens that they are not used to

Tim Thulson continued with the application referring to the noise abatement statute, which has been raised by staff and whether or what standards would apply. The Noise Abatement Statute 25-12-102 applies to areas of land related to zones and supplied that information for the industrial, residential, and commercial zones. Tim referenced the houses in the area are in the ag/industrial zone; this is an industrial classification. Ed Balderson of Walsh Environmental Consulting Firm out of Grand Junction has 12 years experience and was asked by Knight Planning to provide sound levels generated by the operation provided. They went to the Gypsum Gravel Facility owned by the applicant and took a dozen sound measurements at various sites and while equipment was operational. They found the highest sound level to be at 125 feet with 78 dba and it was coming from the rock crusher. At 250', it was 76 dba and measured 80 dba at the property line. This does not exceed these levels at the nearest residences. One residence is over 320 feet away. They measured the truck traffic near the entrance at 700 feet and it was 69 dba. Details are in his report. Tim clarified in Gypsum the nearest house was 250'.

Review Agencies – Mark Bean stated that Silt and Rifle were notified and Rifle had no comment while Silt did not respond. Airport – Brian Condie, reported the findings were that it is compatible to the activities at the Airport and under the hazardous wildlife management, the conditions already exist that attract wildlife to that area and hazardous wildlife management is already in place. In the last five years, there is a documented report of one strike of a bird on aircraft but it was 10 miles out on final approach. The finding was that retention ponds would not significantly increase the impact to the area.

Chairman Martin pointed out in recommendation No. 18 – and the last sentence: "All planned studies, analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners," and added that it should also be "FAA". Brian referenced his letter dated September 12th to Mark Bean, he specifically referenced that he had spoken to Mr. Fredrickson, our local Denver Airport District Office and he also reviewed specifications and the summary use of the Special Use Application Permit and concurred with the findings of the advisory circumlunar that this would not significant increase the hazardous to the Airport and said they will respond to this but as of Monday, October 7, 2002 he was in the middle of some federal assistance grants.

Public Comment

Eric McCafferty, representing some folks against the permit commented that the permit needs to be reviewed objectively and would be submitting additional information composed by a team of individuals. There was a team of individuals prepared to make comments as well. The main concern is that this application was not sent to the Planning and Zoning Commission for review and comment. He acknowledged that the Regulations allow circumventing the Commission but at the same time, it would have given the public more opportunity to state their views. There was some disagreement as to the amount of time that should be allotted to the Grant Brothers and Commissioner McCown clarified if allowance should be made as to a competitor or as neighbors. He maintained that the Board granted them the same amount of time as a reviewing agency plus 3 minutes for individuals. Eric maintained the other neighbors should have the same allotment of time, especially since this was not referred to the Planning Commission. Attorney Sherry Caloia representing the Grant Brothers and speaking for four citizens - Ann Nicholson, Leslie Robinson, Eugenia Grant and Bill Grant; and team members Paul Currier, Engineering on the

floodplain and stream flow issues, Jeff Kolakowski, Noise Expert with David Adams Associates in Denver since 1979; Planner Eric McCafferty from Compass; and Sherry on the team. They had prepared a Power Point Presentation, admitted as Exhibit BB that could not be viewed by the public due to an equipment failure; Exhibit CC – Compass Land Use dated October 7, 2002 – a total of 25 pages together; and Exhibit DD – Trip Generation Table – road access permit related and information commenting on discrepancies in the application being reviewed today as to acreage, traffic, tonnage to be extracted and disagreement with the noise study. The argument against the approval of the Special Use Permit was based on the same issues with respect to the denial of the Western Slope Aggregates Pit application for a Special Use Permit in Silt heard by the County Commissioners in the year 2000.

Dan Grant requested more time than allotted basing his comments on the lack of not having the P & Z Commission public hearing. His concerns were addressed by the team spokesman – Eric McCafferty and Sherry Caloia as well as Paul Currier and Jeff Kolakowski.

Tim Thulson summarized the comments made on behalf of the Grant Brothers, that as an overall theme they are a gravel producer located within one-half mile of the application property using the same roads and suggested the need for looking at the basis of their comments in that light. Given the other pits that are being mined out in that area, if this permit is not approved, the Grant Brothers will have a lock on the market in this area and it would be much to their economic benefit. Regarding some of the comments more specifically, Eric McCafferty's computation of vehicle trips, it is larger irrelevant because they are capped at 200 vehicle trips per day, and if more is needed they will have to come back to this Board and get the permit amended along with their access permit. On Paul Currier's comments on the floodplain, Tim noted that the floodplain has been reviewed in-depth by DMG, the Army Corp of Engineering, the City of Rifle, and the County through Dean Gordon of Schmueser Gordon Meyer and have satisfied all concerns.

Regarding the noise study that Mr. Adams provided, one reference was to truck noise as to the impact on the Grant's house. The noise abatement statute is completely not related to truck traffic. The case City of Lakewood, Edith Ruse, 6.31 P 2nd 1140, their holding is on point citing section 25-12-104, they hold construction and operation of a public highway are not activities which can be abated as a public nuisance. This is a public right of way; it's I-70 frontage road, owned by the State. Then again, one house is not a residential district make, that is the best key of this project, it's isolated, it's bounded on one side by I-70 and the other side by the Bailey property and that is under contract presently for potential further gravel development, and bonded on the north by the Colorado River and further north by existing gravel pits, a railroad and a highway. The property to our east has an existing gravel pit in it – the Grant Gravel Pit. This is a good location for this type of activity, it has access, everything needed to run this operation successfully, and it's needed in this area as an amenity to that community. Tim drafted proposed conditions of approval that he presented and verbally discussed with the Board. This as entered as Exhibit EE. Tim continued by saying the purchase of the northerly property from McBride addresses the issue in Condition No. 27 "Prior to issuance of the Special Use Permit, the applicant shall address flood mitigation efforts necessary to offset impacts created from the bearing of the pits as they relate to increased water depths and increased velocities in the Colorado River. The impact mitigation shall address all impacts associated with the south side of the river adjacent to the activity and also on the north side of the river. The mitigation plan must explain how affected properties are to be protected from the increased depth of flow. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners." The contract was submitted as Exhibit FF. There was a protective covenant that impacted a portion of the Snyder property that is held by the McBride family under this contract, they will obtain that protective covenant and it will merge with the title and that restriction is gone. Tim urged approval by the Board on the conditions as he submitted.

Commissioner McCown requested that Dean Gordon respond to the accusations that the floodplain/flood zone of this particular application was incomplete. Dean Gordon stated they reviewed this application on behalf of the City of Rifle a couple of years ago and just received the documentation from Paul Currier this morning and did not have a point by point response prepared. However, he said they found that the application before the Board was complete with the mitigation that was just talked about briefly in terms of impacts off neighboring properties to the manipulation of the 100-year flood plain. That has been addressed apparently by the purchase of that property so therefore, from their prospective, we feel comfortable with the application.

Commissioner McCown – raised a question about the actual mining process, which end they are going to start, which way they are going to mine, also please explain as far as the Ranch is laid out now, and the location of the Grant property, is in fact the easterly portion of this property basically where Jim and Jean

Snyder's house is located and the pasture to the east of that, is that future proposed mining that will require the applicants to come back to the Board for any further action on that property.

Dennis Stranger affirmed this to be correct. When he spoke earlier about the 197 acres within this area, however the special use permit will run with the entire 483 acres, but the 197 will be permit area (mining area) of which about 110 acres will actually be mined out. After this area is mined out, the applicant has indicated that they may in the future under a separate Special Use Permit Application, apply for an additional 73 acres that are currently owned by Jim and Jean Snyder for gravel mining activities. The mining operation as shown here in the Phased Plan explained earlier does not abut to the Grant property. It abuts entirely to property owned by the applicants. The 197 acres is within their 483 acres. Basically, it lines west of the Snyder's home and the fence that runs north and south is west of their house. As to the Phasing, this is outlined on page two of the staff report where it will begin on the Snyder property further to the east and then progress to the west. Within each of the Phases, they will shift back and forth from east to west, etc. However, the mining will take place west to east to stay down gradient from the water within each phase. Commissioner McCown clarified that the sound levels referenced by Mr. Kolakowski on page two of the October 7, 2002 letter in Table II was referring to the cumulative noise that the trucks, the crusher, the dozer working at the same time that would emit the noise. However, Mr. Kolakowski stated the Colorado statute applies strictly to the mining operations, the asphalt plant, etc. Rebuttal from Tim – their noise analysis did include truck traffic. They did an analysis of an active gravel pit and it included the traffic coming in and out of the pit and all the equipment in it.

Chairman Martin noticed in the beginning of the application that Mr. Stephenson signed a to whom it may concern as well as Jim and Jean Snyder, but also some other partners and inquired why all other partners didn't sign that waiver? Tim said that Dick Stephenson is signing on behalf of the entities and it includes Scott Balcomb and John Martin. Commissioner Stowe – at one point chip and seal was required to mitigate dust and an agreement made with CDOT; what about on-going maintenance. Tim stated that staff addressed this, they have an access permit that said the state would take over maintenance when it's hard surface and therefore, the plan is to asphalt the road. Dick Stephenson stated the entire gravel business is market driven and that will determine how much tonnage is mined. The last 15 years, they projected between 200 and 400,000 ton per year depending upon the economy and the activity in the Rifle area. Other concerns were clarified regarding building a house within the agricultural/industrial zone one and a definition of industrial is heavy equipment is allowed, and agricultural/industrial is with agricultural uses only. On covenants and restrictions regarding a deed in 1976, the Price property now owned by McBride is one and the same and the applicant has purchased that property. Commissioner McCown inquired of Leslie Hope with High Country Engineering regarding the trip generations of 200 – 400,000 ton per year, as to how they would get it off the property with a 200 a day permit. The first phase of the operation being talked about in the application is 48 acres and per the DMG permit they are not allowed to mine more than 30 acres at any one time without starting reclamation, so the basis of their assumptions were 29.6 acres and they will not be exceeding the limits at any one time. Chairman Martin asked if the reclamation plan had been submitted to Garfield County for review and approval as well as the state; and noted there was no reference to the Weed Control Program and asked if they were agreeing to commit to the County Weed Management Program. The applicant affirmed that to be true. David McConaughy responded to Chairman Martin's question on the secondary water submittal in today's submittal from Resource Engineering regarding water for dust control estimated at 10,000 gallons per day from March to November using 25 working days per month, the amount of water for this purpose is .77 acre feet per month, saying the purpose of this report is to estimate the amount of water consumed through various operations including dust control, gravel production, non-evaporation, etc. and then provide a mechanism to replace that water. So the report concludes is that it's replaced through three sources: dry up of lands irrigated in the Last Hands Ditch, removal of water consuming vegetation and a small amount, .118 acre feet that supplied through releases from reservoirs through a West Divide Conservancy District contract. This is essentially the same as the augmentation plan and the report concluded that the supplies the water needs. The 10% is the carriage lost from the reservoirs to the site. Drought was addressed both by West Divide, having alternate sources of reservoir water from both Reudi and Green Mountain and this year the Colorado River District was successful in providing some interim solutions for drought years so people who had contract water from Green Mountain could get it from Reudi and West Divide is in the process of acquiring additional Reudi water, so if they can pull it off this year, they can probably pull it off for the next 99 years as well.

Chairman Martin raised the question regarding water storage for fire protection, back-up water supply on site, etc. Terrill Knight said there is no requirement for that and they are not proposing any water storage on

site. There are requirements for fuels, fire extinguishers, and protection for fuel storage, but wildfire danger, etc. is non-existent with the gravel pit. Other regulations cover the fuel storage.

However, water storage for existing and future buildings is not proposed at this time.

Bill Grant – City of Rifle asked to go on record that he is not talking from the City of Rifle, but as a person and protector of the Colorado River and its water and asked the County Commissioners if they are aware of the hazardous materials and chemicals used in this type of operation to the fish and wildlife and if so to please consider this in their decision. Dennis Stranger stated there is a spill prevention plan and control plan as part of the application. He also elaborated on a couple of points with respect to holding ponds, etc. saying that Jeff Simonson for Rifle did extensive studies on that portion of the River and specific points on geology were addressed by High Country Engineering and they are following the Colorado Department of Health's standards for hazardous materials.

Dennis Stranger summarized his comments on a few points raised in this hearing: the floodplain explaining the detailed work that went into the studies and site specific recommendations of Schmueser Gordon Meyer; the near for the augmentation plan to precede the approval of this Special Use Permit as a condition of approval but not before the application has even been accepted; and the road standards needs to meet State's standards and feel comfortable the State can take care of their frontage road for the traffic to be generated.

Commissioner McCown moved to close the public hearing; Commissioner Stowe seconded; motion carried.

Commissioner McCown - in lieu of the magnitude that this application is purportedly to have had and the conditions of approval that we need to look at, to bring this back next week at 10:15 AM for the sole purpose of either approving or denying with conditions, and added that he felt we could do that in less than one-half hour and made a motion to that affect.

Commissioner Stowe – I would second that in view of the amount of new materials that were provided today that he hasn't had a chance to read through.

Chairman Martin – cautioned the Board that exparte communication is forbidden, that do no negotiating with any individual including each other that each can gather their thoughts but put it down on paper and bring it back, make a proposal and it will be discussed in public session. There will be no further public input at this time until we do make a decision in the public sector. We'll have that at 10:15 AM next week.

Ann Nicholson – 00293 CR 340 Road, New Castle asked if the public would be able to ask questions at this time. Chairman Martin informed Ann that the public hearing has been closed. Commissioner Stowe stated the Board would have to reopen the public hearing; that is a possibility, but probably not likely. Chairman Martin – if we have grounds, we can open it up. Motion carried.

ADJOURN

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

Attest:

Chairman of the Board

OCTOBER 21, 2002
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 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Susan Polis – Morrisiana Mesa – Parachute. Susan presented to the Board a request to waive the survey requirement for a building permit to add an 18' x 25' addition to their house. They own 5 acres, and she said there was no property argument with their neighbors. The additional will be within the area of their well. The last survey was done in 1997. Susan said the price for a new survey is \$1900 from Scarrow and Walker. She understood this request is within the discretion of the Board. The house is 82' from their road. Mark Bean was present and stated he did not feel he had the authority to waive the requirement for a survey. The Board cautioned the applicant of the setback requirements and if the Commissioners did waive the requirement, the applicant would be at risk.

Commissioner McCown made a motion to waive the survey requirement for Susan Polis and to go with the 1997 survey for purposes of the building permit on the Morrisiana Property. Commissioner Stowe seconded; motion carried.

COUNTY MANAGER UPDATE – ED GREEN

a. Annual Road Permit – First Draft – Mike VanderPol and Marvin Stephens

Marvin Stephens, Ed Green and Mike VanderPol were present. Ed Green submitted the Oversize/Overweight (OS/OW) Permit System stating the current system of issuing OS/OW permits is cumbersome and very time consuming, therefore, the Road and Bridge Department proposes to change the existing OS/OW permit system.

The following changes to Resolution No. 98-77 were discussed. Direction was given to staff to discuss this with Don DeFord before sending to the State for their review.

b. Discussion of Mud and Flood Mitigation and Removal of Barriers Prior to Winter – Tom Dalessandri

Ron VanMeter and Tom Dalessandri provided a heads-up report. They have had mud flood meetings and discussed the current conditions with the ground is freezing and a mud flood is less of a hazard to the citizens in the West Glenwood area, Donegan Road and Mitchell Creek. They are suggesting removing the barricades on the roadways and then putting them up next Spring in perhaps April. The Soil Conservation District reimbursed 25% of the cost of the barriers and installation, \$16,000. They cannot however fund the removal and storage. Storing the barriers the adjacent vacant lot was an option. Doug Thoe and Marvin Stephens said some barriers have been moved to help with the school bus issue. No contact has been made to store these anywhere at this point. Marvin stated they could just move these into the shoulder.

Commissioner McCown – not in favor of moving these barriers if they are not going to hamper the snow removal and where the traffic can get through. Tom said the residents on Donegan are the most concerned because these have created a willing way which is a problem for them and then obviously we want to reopen the other street that's been barricaded off and the Ford dealer would probably like to have their parking lot back – they've really gracious for allowing to keep those there, but if those could be moved off to the side, they would facilitate them somewhere, probably storing them in their back lot. These barriers cannot be removed completely because the Task Force feels they need to go back in April. Chairman Martin asked staff to also work with the City of Glenwood Springs on Center Drive and maybe they can assist us on that and coordinate with Marvin and Doug to go ahead and move them at their expense. Direction was given to staff to move only those barriers necessary for snow removal.

c. Award competitive Bid to Western Slope Aggregate, Inc. for supplying Road Sanding Materials at a Total New Price of \$16,000

Tim Arnett and Marvin Stephens were present.

Three bids were received for the road sanding material from Lafarge, United Companies and Western Slope Aggregate. The low bidder was Western Slope Aggregate at \$16,000, therefore the recommendation to the Board was to accept their bid. This is all for the Glenwood Springs area.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Western Slope Aggregate for \$16,000, 4,000 tons for sanding materials. Motion carried.

d. DMG Maximus

Jesse Smith presented the DMG renewal contract. Ed stated this saved the County \$124,000 last year and it is well worth the investment. Nothing has changed, however, the new contract was not presented to the Board.

Commissioner Stowe made a motion and Commissioner McCown seconded that upon final presentation of the contract and review by the County Attorney that the Chairman be authorized the sign; motion carried.

e. Position of County Surveyor

This is an elected official, however, there were no candidates running for the vacancy. Therefore, it will be an appointment either with a salary or per survey or project based upon fees. Jesse stated that he had included in the 2003 budget the same salary for the Surveyor as he did for the Coroner. Approval was given to advertise for the vacancy. A notation was made that there is no requirement that the applicants would need to be a citizen of Garfield County. The appointment would be good for two years unless someone ran for the position. Start date upon appointment would not occur before Jan. 14, 2002.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Executive Session – Litigation Update – Marlin - CMC – County Property Issues – Land Use Application

Ed, Mark, Jesse, Board, Don and Mildred were to remain for the session

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

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

b) Authorization to Apply for Insurance – Healthy Beginnings

Don DeFord submitted the Application for Clinics Professional Liability Insurance.

Denise has been working with this and without submitting the application, they cannot go forward.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign for filing the application for Professional Liability Insurance. Motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Tomorrow CMC is having their banquet honoring the firefighters at the college campus 5:00 PM; Lova Trails meeting at the Rifle Library; Wednesday, the Trails Committee meeting at the New Castle Community Center; also Candidates night – Carbondale. Governor Owens is scheduled to be in the Rifle area at 2:30 PM on Thursday, Fireside Restaurant. Transit Advisory Committee (TAC) is meeting in Gypsum – Eagle Town Center 10:00 AM on Friday. Healthy Beginnings Board Meeting has been cancelled on Friday.

Commissioner McCown – Leaving at noon today – emergency family matter.

Chairman Martin – Tuesday the 15th he attended the CMC Circle of Excellence, the beginning of a reorganization of those that in technology, government and leadership forums throughout the CMC district; attended the Western Governor's Association Meeting dealing with Wildfires and Policy Making for Wildfires with the Western Governor's Association, the Policy Making Committee from Washington, DC Department of Interior, US Forest Service, etc. They are very interested in Garfield County and how the MAC performed during our fires with the topic of conversation. We've also been invited to discuss the possibility of contracting with the BLM and Forest Service dealing with fire districts and to have an overall scheme that has been the meeting that's going to be in Durango next month and would like to see if Guy Meyer would be available and the other Commissioners to go with us. Citizens Forum attended on Wednesday; also meet with the Governor's Conference on October 23 & 24; and meet with the CDOT and the City of Glenwood Springs at 9:00 AM in reference to CDOT's new service policies.

Ed Green – jury duty.

CONSENT AGENDA

- a) Approve Bills – take from the Agenda
- b) Authorize Chairman to sign Resolution Adopting Garfield County's Weed Management Plan
- c) Authorize Chairman to sign an Acknowledgment of Partial Release of Subdivision Improvements Agreement for the Cottages at Eagle's Next, Aspen Glen PUD

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - c; carried.

UPDATE ON BATTLEMENT MESA SCHOOL PROJECT – GRAND VALLEY HISTORICAL SOCIETY

Judy Hayward – President of the Grand Valley Historical Society. Judy gave the Board an update on the project. Deeded the Building October 1, 2001 and the society has been actively pursuing grants. \$260,000 restoration. \$10,000 was received from Historical Association for an assessment. The historical association will do the restoration, but the society envisions a broader scope such as a museum. A request has been made to the DOL, Property Taxation, and could exempt the property tax. Thus far, they have refused to give them a property taxation exemption.

Susanne Brazzwell of the Garfield County Assessor's Office has been working with Judy. Can the County be on any assistance? They did pay the taxes - \$350.00 – fund raising and made \$750.00. Lisa Hoganson at State Property Taxation and cannot exempt until they are in operation.

Can the Board assist them in a Department of Local Affairs, Emergency Assistance Grant? She needs to know the process and assistance to apply.

The Board directed Judy to contact Ed and Jesse, plus Tim Sarmo can direct her in the best way. He Board would not be able to assist her since they are the prioritizing entity on the applications. A foundation – Mount Callahan, an arm of the Botcher Foundation, they have asked for \$5000 and will know on Friday. She is looking for Roger Ludwig and has been working with Mildred Alsdorf. 1-2000

Hunt for Roger Ludwig.

ANNUAL MEETING FOR GARFIELD COUNTY SERVICES CENTER – TAUGHENBAUGH BUILDING

Mildred Alsdorf presented this to the Board saying this was started in 1981. The current officers are John Martin, Larry McCown, Walt Stowe and Mildred Alsdorf.

A motion was made to keep the officers presently in place for the upcoming year by Commissioner Stowe and seconded by Commissioner McCown to continue with the same officers in the past. Motion carried.

DISCUSSION REGARDING A FULL-TIME EMPLOYEE TO OVERSEE OIL AND GAS DEVELOPMENT – VICKY NEATH, GRAND VALLEY CITIZEN'S ALLIANCE

Jamie Hines Brockard, Vicky Neath, Mary Ellen Dennimey, Peggy Utish, and Sid Lindauer were present. They presented a signature sheet of 125 names in favor of

Having a full-time employee to oversee oil and gas development. A letter submitted from the Grand Valley Citizen's Alliance outlined the position as having specific responsibilities to represent and protect the citizens and environment of Garfield County with regard to oil and gas development. This is a new vision for the Grand Valley Citizen's Alliance. The oil and gas continues to have a dramatic impact on the people who live and make a living in the rural, western part of Garfield County. The entire committee members were present. Additionally, the letter stated that more residents are facing conflicts between oil and gas development and other land uses. The Alliance suggested that this proposed position could be paid for through existing funding received by Garfield County from the oil and gas industry or through an energy impact grant. It could also be paid for with the implementation of a fee system, as utilized in LaPlata County. The additional revenue that was collected for Garfield County by a consultant hired to perform royalty recovery several years ago represents a third potential funding source. The regular oversight in royalty collection alone could generate enough funding to pay for this office.

In conclusions, they stated that Garfield County continues to experience positive financial gain from oil and gas development. Unfortunately, that gain comes at the expense of local people who suffer the negative impacts of this industry and urged the Commissioners to commit to this position and include it in the County's 2003 budget.

Mary Ellen stated there were 318 building permits that were issued in Garfield County; Brian Mackey at the COGGC, there were 353 oil and gas permits issued in Garfield County in 2001. This is 35 permits more than our Building and Planning Department permits. A home can disturb about a quarter-acre with the 318 permits that about 80-acres of disturbance in the County. Gas wells can disturb up to about 3-acres so you're looking at about 1000-acres disturbance in our County just for the year 2001. And yet, with 313 permits issued for building, we have three full time employees at Planning, one director and two full-time planners. For gas well permits, 353 we have no one who oversees these permits to check to see if these are in order: weed control issues, planning, reclamation, regulations complied with. Peggy referenced the article last week in the Rocky Mountain News where the ozone was affected by the Oil and Gas Industry. Chairman Martin stated that this has been an issue and he has been working on this. He personally favors having someone to oversee these permits. Commissioner McCown commented that the County is looking at possibly cutting other positions next year and the State as a whole are cutting budgets drastically for the

2003 budget. He stated the best they could hope for would be a half-time person to start out if we can justify it in our budget. There is more to this than just a position's salary, there's support, i.e. vehicles, expenses, all of the things that go with allowing this person to do their job. If services have to be cut that don't allow us to use our jail facility, I think it's going to be real hard to justify creating new positions in County Government. Commissioner Stowe stated he understands what they are looking for. In the Sheriff Department we have over a 2.5 million in budget requests this year – he's requested 8 new jailers, 3 new field position, an animal control officer; as well as we now have to pay our Coroner full wages, and we'll also have to the Surveyor wages. Our sales tax revenue this year is anticipated to 4.5% less than last year and possibly even lower next year. He understands what they are saying, but he asked the committee to be understanding on the Commissioners position as they make critical decisions to stay within the confines of the budget. This doesn't mean you won't have a position and if we're able to ink out a half-time position that would be a great start, we could see how this person performed, we'd have feedback and that's a lot more than you've had for the last 5-years if we can work that into the budget. He would be supportive of doing something and that doesn't mean that a year from now, or two years from now we might not see the benefits of moving that to a full-time position. He encouraged them to be happy with even our attempts and efforts to try and at least get that much out of this year's budget in view of the financial constraints that we're under as well as our surrounding counties. He said he understands the oil and gas puts a lot of money into this County but there's a lot of money that goes out to provide services for the citizens of this County too and all of them use those too.

AUTHORIZATION FOR CHAIRMAN TO SIGN AND DIRECTION TO CLERK AND RECORDER TO RECORD 2ND AMENDED PREHM RANCH EXEMPTION PLAT AND AMENDED PLAT OF LOT 22, WESTBANK RANCH PLANNED DEVELOPMENT SUBDIVISION, FILING NO. 1

AUTHORIZATION FOR COUNTY ATTORNEY TO SIGN MOTION TO DISMISS CLAIMS PURSUANT TO STIPULATION OF SETTLEMENT IN BOCC ET. AL. V. MARLIN, ET. AL DIRECTION TO CLERK AND RECORDER TO RECORD RESOLUTION NO. 2002-93

Don DeFord and Steve Beattie were present.

Don explained the items on the agenda. As of 8:15 he has not received a sign plat or the access easement and has asked the Board to set these matters over to November 4, 2002.

Steve Beattie, as of Thursday, Rick Neiley was aware that this was on the agenda. He represented that he has seen the plat, and could represent he had a signed

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to hold this matter over until November 4, 2002 at the 1:15 PM Agenda time. Motion carried.

CONTINUED PUBLIC HEARING REGARDING A REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO ALLOW A KENNEL. WILLIAM PINKHAM

Mark Bean, Don DeFord, Bill Pinkham and Bob Noone were present. This is a continued hearing set over from October 14, 2002 in light of new testimony and public comment. The Board determined that additional time was necessary before making a decision and agreed to hold deliberations in this public session today.

The public hearing was closed on October 14, 2002.

Commissioner McCown made a motion to approve the Special Use Permit to allow for a Kennel on the Pinkham with conditions of approval 1-9 and read them into the record:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval, including, but not limited to the placement of two noise abatement berms on the northern portion of the property. Commissioner McCown added to include – any additional mitigation or berms as necessary to abate the sound.
2. All conditions of approval must be met within one year of the date of approval of the application. If conditions are not met within one year, the approval will be void.
3. Any employee will live in the same dwelling as the applicant and that no separate dwelling can be built for an employee without going through the appropriate County regulations for an accessory dwelling unit.
4. No dust; noise in excess of the Residential Zone District standards contained in CRS § 25-12-103, with the exception that no noise in excess of 55 db (A) from sunrise to sunset

and 50 db (A) from sunset to sunrise as defined above will be allowed; odors; or source of filth shall not emanate from the property.

5. The feces and urine waste shall be stored in a sealed container, capable of being pumped to allow a commercial hauler to dispose of the feces and urine waste at an approved solid waste disposal site.
6. No permanent disposal of any waste shall be permitted at the site. This does not include those wastes specifically excluded from the definition of a solid waste in CRS § 30-20-100.5.
7. Special events that attract more than 25 participants shall be prohibited on the site.
8. Animal and food wastes, excluding animal feces and urine, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility and hauled by a commercial hauler to an approved solid waste disposal site.
9. A maximum of 40 dogs, regardless of age will be allowed at the kennel at any one time.

Commissioner Stowe – on number one (1) I'd like to add, the applicant represented that the berm be seventy-two inches (72") in height. Since he is building a straw berm, I would like to add the fact that it will extend a minimum of seventy-two inches (72") in height and be maintained at that height. So that as the straw decays, we don't wind up with a three-foot (3') berm out there. Whatever you have to do to make that maintenance, I don't care.

Chairman Martin – Would you also, if you missed any of the staff and review agencies recommendations, place those in there as well. Commissioner McCown – yes, I would, and there were no vehicle trips included in my conditions but they were in the testimony and in the application and I would see that those would be included as conditions of approval. Their representation on vehicle trips and times.

Commissioner Stowe seconded the motion.

Chairman Martin added that these were some stiff recommendations for approval and they must be met; and again, it's in there in written form so there's no question that they must be accomplished within one year. And also as a special use permit, it's subject to review, six months to a year. Mark – any special use permit is subject to review per the County regulations. Commissioner Stowe – and the one comment I would have is that we all realize that although Mr. Pinkham has 40 acres, this is within a residential area and we probably would be very strict in supervising that he complies with the conditions of his special use permit. And probably not very lenient should those be violated, at least this Commissioner won't.

Commissioner McCown – we have been through a lot of brain damage in the last year, first of all trying to come up with some type of usable permit process for our kennels; we've had some problematic ones in the past. We've made significant changes, this one is again outside the box allowing animals outside of an enclosed building and it puts the burden of responsibility on you to see this works. I would echo Commissioner Stowe's sentiments that if there are violations, I will assure you they will be enforced rigidly. So, the burden of responsibility falls back on you to make this work. We're giving you an opportunity. I wish you the best in your venture; I think it does have the possibility of being economically sound for not only the County but for the City of Glenwood Springs and a possible tourist attraction – good luck, just make sure you follow these guidelines.

Chairman Martin – all right, we'll call for the question, all those in favor with the approval with the recommendations as stated. McCown – aye; Stowe – aye. Martin – all right, the majority has ruled.

OCTOBER 21, 2002

**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 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

CONTINUED PUBLIC HEARING FOR A REQUEST TO APPROVE A SPECIAL USE PERMIT FOR THE EXTRACTION (SAND AND GRAVEL), PROCESSING (CONCRETE BATCH PLANT, ASPHALT PLANT, CONCRETE CASING AND FORMING) OF NATURAL RESOURCES AND

ASSOCIATED FACILITIES LOCATED APPROXIMATELY 1.8 MILES EAST OF RIFLE, NEAR THE MAMM CREEK INTERCHANGE. APPLICANTS: JOHN MARTIN, RICHARD STEPHENSON, SCOTT BALCOMB, JAMES AND JEAN SNYDER.

Carolyn Dahlgren, Mark Bean, Dennis Stranger, Tim Thulson, Scott Balcomb, Dick Stephenson and John Martin were present.

Executive Session - A motion made by Commissioner McCown to go into a ten minute Executive Session due to the fact that the earlier session failed to allow time for answers to some of his issues that he had with respect to the Mamm Creek Gravel Pit application; Commissioner Stowe seconded; motion carried.

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

The Board heard this on October 14, 2002 and after a great deal of new material was submitted that was not reviewed by the Board. A motion was made and passed to continue the decision until today. The Board agreed to not having any conversation with other members of the Board nor from the public and that the decision would be held in a public session today as well as all deliberations and justification for their vote. Chairman Martin asked the Board if there were any issues to justify reopening the public hearing.

These are from October 14, 2002 taking out the ones that were met

It is recommended that the Special Use Permit for extraction of natural resources, processing, associated activities and accessory uses including a shop, offices, scales, storage of raw materials and products be

Approved subject to the following conditions:

1. All proposals of the applicant and representations made at the hearing shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.
2. Prior to issuance of the Special Use Permit, the applicant shall provide copies of all local government permits and state and federal government agency permits required in order to undertake mining and processing operations. Failure to comply with all permit requirements will result in the revocation of a Special Use Permit issued by the County.
3. Upon completion, a copy of the final decree for the approval of a Plan for Augmentation and the approved well permit pertinent to the project, will be submitted to the Planning Department prior to the issuance of the Special Use Permit. A copy of the decree for plan of augmentation or substitute supply plan approved by the State Engineer, Division of Water Resources.
4. Prior to issuance of the Special Use Permit, the applicant shall clarify the location of portable toilets specifically addressing the standards to be used to assure that the portable toilets will be located such that the portable toilets are protected from the 100-year flood of the Colorado River and vice-versa. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
5. A total maximum of 200 ADT will be permitted for the property.
6. That the frontage road will be a hard surface (paved) roadway throughout the duration of the project.
7. Prior to issuance of the Special Use Permit, the applicant shall address flood mitigation efforts necessary to offset impacts created from the bearing of the pits as they relate to increased water depths and increased velocities in the Colorado River. The impact mitigation shall address all impacts associated with the south side of the river adjacent to the activity and also on the north side of the river. The mitigation plan must explain how affected properties are to be protected from the increased depth of flow. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
8. All activities within the gravel pit will operate in compliance with CRS Sec. 25-12-101, et seq., noise standards. Should there be a complaint about excessive noise, it will be the responsibility of the applicant to provide documentation regarding the ambient noise levels and the noise levels of the activity causing the complaint, consistent with the State noise standards. Any such documentation will be presented to the Board of County Commissioners at a public hearing noticed in the form required by Section 9.03.04. The Board may amend the permit based upon the documentation submitted at the hearing to bring the activity into compliance with the State noise standards.
9. One sign, permitted in compliance with Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended will be allowed on the property.

10. The gravel pit hours of operation will be 6:00 a.m. to 8:00 p.m., Monday through Saturday and 8:00 a.m. to 1:00 p.m. on Sundays from March through November. The operating hours during the December through February period will be 6:00 a.m. to 6:00 p.m. Monday through Saturday.
11. Prior to issuance of the Special Use Permit, the applicant shall submit plans depicting the location of existing and proposed electric, telephone and propane gas tanks. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
12. All lighting shall be downcast and inwardly directed to minimize safety conflicts with highway traffic and with airplanes using the Garfield County Airport.
13. Prior to issuance of the Special Use Permit, the applicant shall submit a plan for permanent implementation of the recommendations of the *Wildlife Hazard Avoidance Plan* to mitigate wildlife hazards to the Garfield County Airport from the ponds and habitat changes resulting from the mining of the area authorized by the Special Use Permit. All plans, studies or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
14. Prior to issuance of the Special Use Permit, the applicant shall provide evidence and plans assuring that the storage of all flammable or explosive substances will comply with the National fire Code and that no flammable or explosive materials will be stored within the area subject to flooding from a 100-year flood. All plans, studies, or analyses submitted to satisfy these conditions must be acceptable to the Board of County Commissioners.
15. All materials or wastes which might constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors in accordance with applicable State Board of Health Regulations or shall attest that no such materials will be stored on the site.
16. A list of all equipment and facilities will be provided to the County accompanied by evidence of title and other information required by law to allow proper registration and taxation of the equipment and facilities. The schedule of such property will be kept current at all times with changes reported to the County. Copies of the list(s) shall be provided to the Garfield County Clerk and Recorder, the Garfield County Assessor and the Garfield County Planning Department.
17. All vehicles and equipment transported over public highways shall be properly registered with the Garfield County Clerk and Recorder.
18. Compliance with all terms and conditions of approval contained in any permit issued to the applicants, their successors or assigns, by any local government, state or federal agency, shall be deemed conditions of approval of the Special Use Permit. Any violation of the conditions of any other such permit shall be deemed a violation of the terms of approval of the Special Use Permit. The applicants, their successors or assigns, shall notify the Garfield County Commissioners of any notice of violation or violation regarding the subject mining and processing operations, equipment and associated permits issued by any local government or state or federal agency. The Board shall be notified within ten (10) calendar days of any violation or notice of possible violation.
19. The applicants must commence operations under the terms of the Special Use Permit within one (1) year of issuance of the Special Use Permit. The Special Use Permit will expire upon the determination by the Colorado Division of Minerals and Geology (DMG) pursuant to the provisions of the DMG permit(s) have been satisfied and that reclamation activities have been completed and the DMG Reclamation Bond released and further provided that any permanent ongoing mitigation activities are implemented.
20. Prior to the issuance of the Special Use Permit, the applicant shall submit a plan to protect the identified eagle's nest or a letter from the Colorado Division of Wildlife stating that they are satisfied with the mitigation measures to protect wildlife is acceptable.

A motion was made by Commissioner McCown that we approve the Special Use Permit for the extraction (sand and gravel), processing (concrete batch plant, asphalt plant, concrete casing, and forming) of natural resources and associated facilities located approximately 1.8 miles east of Rifle, near the Mamm Creek Interchange, applicants, John Martin, Richard Stephenson, Scott Balcomb, James and Jean Snyder, along with said testimony and all of the commitments stated by the applicant with the staff's recommendations as conditions along with, I believe the applicant also had some conditions of approval. Carolyn, you had one that,

Carolyn Dahlgren – paragraph seven (7) the last sentence says “the Board may amend the permit based upon the documentation submitted at the hearing to bring activity into compliance with the State Noise Standards”, I would request that that be struck because it could be a limitation on your authority to totally revoke the permit if need be.

Chairman Martin – which raises up a point, we need to make finding and reference to the sound level, what level that you're going to make this application apply to.

Commissioner McCown Mr. Chairman, it would be my recommendation that given the geographic location and the absence of any close proximity to housing, other than one of the applicant's that have waived any problem, I would recommend that this be deemed under the Industrial Regulations which would be 75 db in the daytime, 70 db in the evening. Chairman Martin – and that is subject also to the review of the staff on mitigation. Commissioner McCown – yes. The same conditions would apply as far as any sound emitting beyond those limits; those would be the limits I would suggest that would be followed in this guideline.

Also, as an additional condition of approval, and I don't know for staff's benefit, where we would add that, whether we want to add it as twenty-one (21). Mark Bean – the language that was incorporated in the applicant's language is the same language.... Commissioner McCown – so we feel comfortable with going with this one with corrections, okay. Dennis Stranger – it actually improved the language, Commissioner McCown – okay, with corrections, I want to make note that we are correcting as we go. Number twenty (20) to be added would be ongoing weed control and mitigation; Number twenty-one (21), I would like to add what, be that this special use permit be reviewed one year after the issuance of the special use permit by this Board should there be the any complaints or possible violations of conditions, they would be addressed prior to that, but there would be a full review by this Board one year from the date of the application, the special use permit was submitted, or issued, not submitted.

Mark Bean – issued with or without public notice? Commissioner McCown – that would be with public notice. Chairman Martin – in reference to the water question that has come up through the testimony and what have you, how do you find that as permanent source for.... Commissioner McCown – from all indications, I have found that the health, safety and welfare water is in place for the operation, the consumable potable water, the water for the sanitation is there, I think that as a condition I would also add that “prior to the issuance and Number Three (3) may address that, I think that the water for any operational work must be in place prior to the issuance of the permit, but the public health, safety, and welfare water, the potable water, the disposal, the waste water, I think that has all been adequately addressed and is legal and adequate source. Chairman Martin – so that's your motion with those adjustments. Commissioner McCown – I would accept any additions the two other Commissioners might have, but that was my first shot at it.

Commissioner Stowe – Mark, you had a comment. Mark Bean – one point for clarification, did you want to include the Industrial Standards for noise as the standard? Commissioner McCown – yes, that would be 75 – 70. Dennis Stranger – I think it is 80 – 75, Mark Bean – well, we check that to make sure. Commissioner McCown – well, whatever that is, whatever the State Standard is I would evoke. Chairman Martin – just some clarification I had on several of the recommendations. Larry covered my first one in reference to review and that is part of the condition and that's based upon all of the items that we're going to do the permit, how it was issued, ectiera and that's subject to review in one year. And also, for clarification, all traffic utilizing Mamm Creek Sand and Gravel must utilize I-70 in the eastbound or westbound for all ingress and egress and if there is any change in the permitting process from CDOT, it must have the corresponding traffic analysis and it must be reviewed by this Board and feel that it follows all of our regulations in reference to that. Also, the application has cited that there is maximum to be mined in this particular area of 200,000 tons and that's their annual production. Also, by our standards, regulations 5.3.08 (5)(d)(4) under the Industrial Performance Standards, the hours are regulated through that; and that is also goes to say “all repairs are subject to a standard there that repairs must be commenced inside a building; that the storage is also addressed, which is under 2.02.3.1(4) under Storage, which has been discussed. That the Federal Aviation Administration (FAA) – make sure that they're notified and approve of any changes in the land use, that their review is a necessity and that has been done by Mr. Condie. And, they have submitted their comments but if there are changes in the application they have to go through the same process. And that CR 346 is the one that we need to look at to upgrade, ectiera and hold to the standards of the CDOT permit and if it's exceeded or whatever, I think that the person causing that need for improvement which would be Mamm Creek Sand and Gravel, if it exceeds that, be allowed to share the cost of upgrading that since the County would have that as well. And that, again, using the standard we have here and vehicle trips through CDOT, there are some deviations from what I read, that a large truck, bus and recreational vehicles does qualify as a car but following those standards, it could be more than one car per trip on those particular vehicles and make sure that we adjust those standards to that as of the Colorado Highway Access Code Volume 2. Leslie Hope also testified and said that, again, the disturbed

areas is going to be a 30 acre parcel, to start off with, is that correct in the mining? Tim Thulson, it would normally be 10 acres. Chairman Martin – but the initial disturbance.

Commissioner Stowe – not to exceed 30 acres at any one time. Larry addressed in reference to the noise impact, which was also the berm issue that came up and that would also be cause for review if they're unable to go ahead and to meet those noise qualifications. Chairman Martin - And, again, I look at the FEMA issue in reference to the cost and notification of potential updates, ectiera. I think that the application should do that if the FEMA has come back and said that we need to map and to address certain FEMA issues that the applicant must be subject to be able to meet those obligations and that deals a lot with the 100-year floodplain and I know that Mark has always stressed that in the southern part of the western part of Garfield County and in the Rifle area that we need to map all that, and so if we are required to do it by FEMA that that mapping cost is borne by the person that's causing it, which would be the applicant.

Commissioner Stowe – Can I interrupt for just a moment. Have we ever seconded the motion, are you adding all this in to the motion or ... Chairman Martin – I'm just asking and going for clarifications of the recommendations of approval both by staff, the applicant and Larry's motion. Commissioner Stowe – I believe you've got to second the motion and then we go into discussion and clarification. I would second Larry's original motion at this time.

Carolyn Dahlgren – to Mr. McCown – the industrial standards apply to the mining area or the entire property. Commissioner McCown – the entire property. Carolyn – including the future mining area. Commissioner McCown – that would come back under a new hearing that has to go back through DMG and us as well. Carolyn – Mr. Martin – in your comments on the motion, you referenced a part of our zoning code – 5.03.08 (5) (d) (4), I wasn't sure if you were talking about the hours of operations of the entire sand and gravel pit or if you were referring only to what this refers to which is repair and maintenance. Chairman Martin – that is correct and also the odors, the glare and what have you beyond those and that's standard in reference to storage, repairs of equipment, ectiera, on the property which had to be conducted within the building itself under our regulations. Carolyn – we're not suggesting a chance in the hours of operation. Mark – Number nine (9) on the Phase II, Chairman Martin – which is five (5) on my comment sheet and I believe that was what was said... Mark – proposed hours of operations are 6 am to 8 pm Monday through Saturday; 8 am to 1 pm on Sundays from March through November, the operating hours during the December through February period shall be 6 am to 6 pm Monday through Saturday.

Chairman Martin – again, it shows in the Performance Standards, it only deals directly with the repairs, and what have you. I would like to see the hours a little later in the day, but I don't know if I'd get my way on that one. Commissioner McCown – no, I would leave the hours as I made them in my motion. Chairman Martin – that is why I only bring up that standard in reference to the repairs which is following our current statute. Those other ones, I believe, Walt, to answer your questions, I believe everything was discussed, I'm just trying to clarify all those to be included for clarification and hopefully that you would accept those and – Commissioner McCown – before we call the question on this, I want a point of clarity please, Number twenty (20), I have down as weed control program and mitigation. Mark – ongoing weed control and mitigation, Commissioner McCown – yes; Number twenty-one (21) I have review of the Special Use Permit in one year from the date of issuance, with public notice; and I want a point of clarity here from legal, if we say that we want that one year after operation begins, or after issuance of the permit, does that make it an annual review for perpetuity or do we decide at that point if it needs reviewing again, or if it needs reviewing more frequently. Commissioner McCown – I'll move forward, Number twenty-two (22) I have down as "any ADT's or permitting, any additional permits that would be required, would be issued and reviewed by CDOT since it is accessing their road directly." Dennis Stranger – I had a question about that – is that a modification of Number Six (6) on the first page? Commissioner McCown – let's add it to Six (6), I think it would fit better there. Dennis Stranger – the other thing I didn't understand, are you saying it'll be in accordance with CDOT determining the ADT?

Commissioner McCown – CDOT has permitted this for 200 ADT's. Dennis – you might want to say that, "in accordance with the CDOT." Commissioner McCown – it's Number Six (6). Dennis – well, we didn't reference CDOT in that original Number six (6). Commissioner McCown – okay. Mark – any change in that will come back before the Board. Anytime they change their permit with CDOT, it will be a reopening. Commissioner McCown – yes. Chairman Martin – that would also be in reference to your access, if there is a compounding problem on CR 346 (Mamm Creek Road), that needs to be subject to review.

Commissioner McCown - That's all I have down for conditions that I had included in my motion.

Commissioner Stowe – and that was striking the last sentence of conditions as per the attorney.

Commissioner McCown – striking that sentence, “the Board may amend the permit ending with Standards.” Tim Thulson, Mr. Chairman, which road was that again. CR 346 – Mamm Creek Road. Chairman Martin – do either of you have objections to that FEMA situation where if it causes a problem downstream or upstream that was reviewed, that we’d have to address it through the applicant and review, because even though they purchased the other property, there still may be affects of each direction or across the river, so we may be subject to review on that one if there’s damages caused by the floodplain or the changing of the floodplain. Dennis – for clarification, they own not only the McBride property you’re talking about, but also property across the river is either Snyder’s or belongs to Chairman Martin – or down farther, which may restrict the flow, which may be someone else that is not even in the room, or if you may restrict it and it slows the flow up which causes it to be upstream, would be something else to be considered. Again, that’s subject to review of the floodplain and also the FEMA review. Dennis – I just wanted to clarify, it is not only just the McBride’s but also their own property there. Chairman Martin – right. I’m just saying, any other property affected should be subject to review. Commissioner McCown – I guess I would not mind adding a condition John, and I would include it if “any activity created by this special use permit and the activity of such caused the need for FEMA re-mapping or FEMA concerns, that would be done by that cost would be borne by the application.” It would have to be an action taken in direct relevance to this application that caused that activity; it could not just be an insinuation. Chairman Martin – there has to be proof. Commissioner Stowe – I would amend my second to Larry’s motion to add Condition No. 23 as just discussed. Chairman Martin – even though we’ve taken it upon ourselves to go ahead and to bring forward extraction industries, but we want to make this extracting industry the very best possible and again, it’s been very difficult with the amount of information that we have had to absorb. I think we might have missed a step in the review of the Planning and Zoning Commission, hopefully we will not inundated with this much information and making all these standings ectiera and still conduct our business as we do. But I want it to be the best possible, hopefully the owners presently and possibly the new owners, as I understand, will run a very good operation, subject to review. Carolyn – before you call the question, may I respond to Mr. McCown’s questions. Mr. McCown you can make it a one-time annual review or a periodic review, just make it clear in the motion. Commissioner McCown – but it has to be made at this time. I will leave it at one year from the date of issuance of the permit, not annually for perpetuity. Commissioner Stowe – the only other time we can review is if there is a violation. Correct, that is automatic then.

Martin – aye; McCown – aye; Stowe – aye.

GMCO, INC. (APPLICANT) CONSIDERATION OF SPECIAL USE PERMIT FOR STORAGE AND ACCESSORY USES

Mark Bean and Tim Thulson on behalf of the Applicant were present.

This is a request for review for a Special Use Permit for storage and accessory uses to accommodate the relocation of GMCO’s chip sealing and magnesium chloride trucking operation from Carbondale to the subject property.

Over the past couple weeks, the Applicant’s representative has verbally indicated to staff that the applicant may either be completely withdrawing the application pending comments from the City of Rifle, or a request would be made, at the meeting, to continue the application to a date certain. Due to these representations and the need for additional information, staff has not completed a memorandum discussing the request and staff is not prepared to discuss the Special Use Permit and requests a continuance.

Recommendation:

Staff recommends that the Board of County Commissioners CONTINUE this application for 90 days, unless the Applicant decides to withdraw the application all together.

Tim Thulson GMCO, Inc.- we had GMCO and the City Rifle had entered into extensive negotiations with their staff regarding location of this facility, which is adjacent to their present outtake for their municipal water system. It was questionable whether or not they would even be required to have a watershed district permit because the general agreement was that we would give them a deed under threat condemnation or a long term lease for what we call the Bailey Pond. They City of Rifle would locate their facilities at the Bailey Pond which would put them above us and we would not need a watershed district permit. We were negotiating with staff and then the City Council took a different tact in what staff had explained to them. The understanding currently is that the City of Rifle is against this project for a number of engineering issues that we have not yet the opportunity to address. There is a meeting scheduled for November 13, with Rifle to address these issues. Therefore, Tim agrees with the recommendation to continue this for 90 days, and stated they will waive the time limits and re-notice the public hearing.

CONSIDER A REQUEST TO ELIMINATE THE LOT LINE BETWEEN LOTS 2 AND 3 OF THE ELK CREEK DEVELOPMENT. APPLICANTS: TONY AND SARAH PAGNI

Tony Pagni and Tamara Plegl were present. This is a request for an amended plat to eliminate the lot line dividing Lots 2 & 3 of the Elk Creek Subdivision in order to erect a new large residential structure on the subject property without interfering with setbacks normally associated with the individual lots. The Elk Creek Homeowners Association has approved the proposed amended lot lines.

Recommendation:

Staff recommends Approval of the Pagni Amended Plat application to amend the building envelope as requested with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. The plat shall be titled "Amended Final Plat of (Subdivision name)". Within 90 days of approval, 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 in the Clerk and Recorder's Office of Garfield County. 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 a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the elimination of lot lines between Lots 2 and 3 of the Elk Creek Development for Tony and Sarah Pagni; motion carried.

CONTINUED PUBLIC MEETING REGARDING AN EXTENSION REQUEST FOR PRELIMINARY PLAN FOR SPRING VALLEY PLANNED UNIT DEVELOPMENT

Mark Bean, Todd Protein, Gregg Mall, Don DeFord, Tom Smith of Austin, Pierce & Smith, PC and John Schenk for some opposing parties were present.

The Spring Valley Development, Inc. has requested a one-year extension of the approval of the Preliminary Plan that occurred on October 29, 2001. The project was approved for 577 units on 5,948 acres. Included in the total of 577 dwelling units is 20,000 square feet of commercial space and 75 affordable dwelling units are included in the R/C/M.U. (Village Center) district. Two (2) Fire/EMS stations are proposed within the Metro District. The project proposes 6 phases to be started in April 2002 and to be completed in April, 2008 (6-years).

According to the Preliminary Plan, Section 4:34, Preliminary Plan Approval shall be valid for a period not to exceed one year from the date of Board approval, unless an extension of not more than one year is granted by the Board prior to the expiration of the period of approval. A development of one hundred (100) lots or less may be phased such that all lots are final platted within five years.

At the time of approval of the Preliminary Plan for the Spring Valley Ranch PUD, the County approved a phasing plan that was consistent with the PUD approval. At this time, the application is not in compliance with the phasing plan approved for the PUD or the Preliminary Plan.

Recommendation:

Staff recommends the Board approve a four month extension of the Preliminary Plan approval, with the understanding that the approval can be extended an additional eight months after that time, if the applicant has amended the PUD and Preliminary Plan phasing plan to recognize the new timelines. Included in the new timelines will be a fire station to be built prior to initiation of any building construction the first phase. Tom Smith repeated his comments from the October 14, 2002 meeting except for one point and that is the time line for the Fire Station. He would like to leave this item open for discussion when they reopen the public hearing and with that understanding, they have no further comment. Tom has been working with Mark and stated they are proceeding in good faith, and accept the staff's recommendation to continue this for four-months.

John Schenk representing the Berkley Family Partnership, Lake Springs Development, was not aware of the extension request however he did receive an email from Marcy Berkley who supports this extension and encouraged the Board to extend it as long as possible. Spring Valley Development is the largest carried toward the new Sanitation System.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to grant a four (4) month with recommendations of staff and testimony included today; Martin – aye, Stowe – aye, McCown – aye. Motion carried.

Continued Executive Session – Aforementioned Items

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

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

Commissioner McCown had a family emergency – he was not in attendance for the afternoon session.

HUMAN SERVICES COMMISSION

Developmental Services – Shelly Hanan

Bruce Christensen gave the report and annual update on Developmental Services. Our budget is up to \$5.5 to \$6 million and over \$4.45 is spent in Garfield County. There are 115 employees and historically it has been a challenge to find employees, but with the economy as it is, they have had more applicants for jobs. Growth is occurring in the West end of the County. They purchased 2 houses and have 15 people living in Rifle. Plans are to purchase one more group home. The state shortfall budget looks like they will take a \$203,000 cut in state funding over the next 7 months. The on-going health insurance problem previously discussed was once again discussed, with Bruce stating the rates have gone from \$367 to \$500 a month per individual. Last quote for a family was \$2200. One good thing, the state is working with the federal government to use County money for Medicaid. He assured the Commissioners that this would mean no extra paperwork for the County. This is a policy change. \$4.5 is in Medicaid and is under waivers. They are working with Eagle County on a ballot issue and hopefully this will pass. One neat thing about Mountain Valley, they are totally debt free. The last mortgage was paid in July 2002. Considering the amount of property they own, that is saying something. Last year 320 clients were served; 177 were residents in Garfield County. Bruce said they have two married couples in their group. 115 adults and between 65 – 70 are working in jobs at minimum wage or above. These individuals are doing a good job as well. Communities as supportive as the communities in this area is remarkable and one of the best that Bruce said he's seen in all his consulting and travels.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to go into the Board of Health; motion carried.

BOARD OF HEALTH

Mary Meisner and Wanda Berryman from Healthy Beginnings were present.

Move to Mountain View Building – 2014 Blake Avenue and Randy Withee for Coordination of Effort, Richard Alary with the move and ability to answer questions and trouble shoot. John Groth – willingness to listen to staff and his flexibility; Sandra Barnett – dedication, coordination and commitment. The staff is really pleased with the space and surroundings.

Open House has been discussed and the first part of December has been suggested. 850 doses of vaccine for flu have been given. They have gone to the meal sites for seniors and have given the flu shots. They will be at Columbine Market in Rifle, and at True Value in Glenwood Springs.

The WIC monitoring audit previously done revealed that they are 20% over what they budgeted. The audit was positive. Risa is the new WIC Coordinator.

Healthy Beginnings

Wanda Berryman thanked the Commissioners for the space at the Mountain Valley Building. 299 enrolled last year 301 for the year. By the end of the year, care to 370 women is projected.

Results from the date HB started, the low birth rate is now at 5.5% - Healthy Beginnings does make a difference; additionally, Wanda said they are 3% below the State average. Meeting with a funder and he will be helping them with a billing system. Wanda is looking into a more efficient system to maintain costs and to possibly tap into some funding sources. Wanda asked for additional staff next year – administrative/para professional (medical assistance) to do administrative and nursing. Expand the nurses to be more educators and the medical assistance to run the clinic.

Engagement Calendar - Fund-Raiser

Wanda promoted the 2003 Calendar they will be selling as a fundraiser and explained the layout with photographs. This will provide the community with more information about Healthy Beginnings. The cost will be \$15.00 each.

Craft Fair – Battlement Mesa – November 23, 2002

Healthy Beginning - Car Seats – Kiwanis

Wanda calculated our first trimester enrollment for 2001 was 1.9% and it is now over 55%. The car seats are wonderful, they starting handing them out during clinic and people will ask how they can get a car seat. This provides a real opportunity to have first trimester enrollments.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to come out of the Board of Health; motion carried.

Rural Resort Child Care Project – Carrie Podl

The Rural Resort Region Childcare Project through Garfield County Department of Social Services submitted a grant proposal to the Aspen Valley Medical Foundation in early June 2002 for a small project to help support nurse consultations and mental health services in early child care settings. A letter of award dated September 26 was received notifying the DSS of an approved grant in the amount of \$10,000 for the time frame 9-226-2002 through 9-25-2003.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to authorize the Chair to sign the Rural Resort Regional Childcare Project from Aspen Valley Medical Foundation; motion carried. Lois Hybarger clarified – this grant is for a Licensed Professional Nurse, they have their own tools and is considered a contract employee.

A motion to go into of the Board of Social Services was made by Commissioner Stowe and seconded by Chairman Martin; motion carried.

BOARD OF SOCIAL SERVICES

DISCUSSION OF DSS

PROPOSED AGREEMENT TO PURCHASE CHILD PLACEMENT SERVICES FORM CONTRACT

Lynn Renick, Carolyn Dahlgren were present. The Agreement was submitted and discussed. Carolyn emphasized this was Child Placement Services-Child Placement Agency (CPA) for Family Foster/Specialized Group Care Home in a residential childcare facility or a residential treatment center contract draft.

Carolyn and Lynn explained, as well as presented a Placement Contract Process Chart for the Board's review. These are mandated services. She pointed out the changes to the contract and giving authority to Lynn Renick to take care of these children on a daily basis. Jesse is trying to get the County system and the Social Services equipment to be compatible. Jesse said the State pays the provider, and then deducts this amount from our allocation. Carolyn explained how changes will occur in the system for contract administration. Discrete numbers are being explored that will be given to each contract.

Clarification – Lynn stated on the Child Placement Contracts – placements will be made before the contract is signed. This is not true on the ADT contracts. Lynn explained some examples where the County was not liable – child using the Foster parent's car without permission, use of telephone long distance, etc. This is the primary need for the insurance. Latitude was requested. Emily Griffith is one example of limited insurance.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to authorize the Chair to sign the DSS Agreement to purchase Child Placement Services Form Contract as presented after final review of the County Attorney; motion carried.

Lois Hybarger – Payment of Bills for September \$86,770.20

A motion was made by Commissioner Stowe and seconded by Chairman Martin to authorize the Chair to sign the disbursement for \$86,770.20; motion carried.

DSS MONTHLY REPORT

Lynn presented a written report giving updates on the Single Entry Point, Child Care Grant, Adolescent Day Treatment – Core Services Contract, Foster Care Program Audit, Child Placement Contract and Process Review, and Program Reports.

Single Entry Point

The SEP Supervisor and two staff members residing in Garfield County will be moving into County offices effective November 1, 2002. A letter stating funds for SFY 01-02 were granted for \$42,985.25 – these are unexpected funds. Meetings and discussions are being scheduled to work towards alleviating future program under-expenditures.

Warrant for Unexpended Funds ending in June turning in an approximate amount of \$42,000 back to the State. They are making sure this is not repeated in the 2002-2003 budget.

Adolescent Day Treatment – Core Services Contract

Lynn requested authorization of the Chair to execute the contract after Mountain BOCES' signature is secured. The total amount of the contract after the 4% restriction imposed statewide on 100% core services allocations is \$69,995.66. This is a specialized school with nine (9) enrolled.

Commissioner Stowe moved to authorize the Chair to sign the Adolescent Day Treatment, Core Services Contract in the amount of \$69,995.66. Chairman Martin seconded; motion carried.

Foster Care Program Audit

The largest 14 Counties in the State are being visited for the Colorado Department of Human Services Child Welfare Division to conduct a program audit of County Foster Care Services. This is designed to be a positive constructive effort to provide the State with needed information related to compliance and to use in the developing of the program at both the state and county level. Garfield County's audit is scheduled for November 18 and 19.

A motion to come out of the Board of Social Services was made by Commissioner Stowe and seconded by Chairman Martin; motion carried.

Board of County Commissioners - Motions

Adolescent Day Treatment – Core Services Contract

Lynn requested authorization of the Chair to execute the contract after Mountain BOCES' signature is secured. The total amount of the contract after the 4% restriction imposed statewide on 100% core services allocations is \$69,995.66. This is a specialized school with nine (9) enrolled.

Commissioner Stowe moved to authorize the Chair to sign the Adolescent Day Treatment, Core Services Contract in the amount of \$69,995.66. Chairman Martin seconded the motion; carried.

Child Care Grant Received

The Rural Resort Region Childcare Project through Garfield County Department of Social Services submitted a grant proposal to the Aspen Valley Medical Foundation in early June 2002 for a small project to help support nurse consultations and mental health services in early child care settings. A letter of award dated September 26 was received notifying the DSS of an approved grant in the amount of \$10,000 for the time frame 9-226-2002 through 9-25-2003.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to authorize the Chair to sign the Rural Resort Regional Childcare Project from Aspen Valley Medical Foundation; motion carried.

Child Placement Contract and Process Review

A draft of the proposed placement contract was submitted to the Board for review and discussion along with a description of the proposed contract and renewal process for children in placements through Child Placement Agencies, Residential Child Care Facilities or Residential Treatment Centers.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to come out of the Board of Social Services; motion carried.

- ***Revised Health Care Plan – Costs***

This gives the employee an option. This year there were 200 kids eliminated from the health benefit. They will be proposing to maintain both options for maximum flexibility

- ***Julie Olson – Advocate Safehouse - Request***

Ed stated that Julie Olson contracted him and the Advocate Safehouse is going to purchase a park bench in honor of Robert Chaffin. They asked to place the bench in the Commons Area if the Commissioners didn't have any objection. The Board approved.

Budget Meeting- November 20, 2002 – Wednesday – 9:00 A.M.

This will be a public hearing and the public can make comment.

Space Workshop – November 14, 2002

Wellness Plan

Ed reported there was a lot of interest in a wellness program after he put the article in Green Acres. Several have requested to develop a program; Judy Osman is working on this.

AT&T BROADBAND– FIBER OPTICS – COURTHOUSE PLAZA

Michael Johnson with AT & T Broadband Colorado requested the Board's approval to install Fiber Optics in the – County property but located in the City.

Authorization to discuss this with administration

AT & T Broadband – Fiber Optics Cable

Michael Johnson with AT&T Broadband Colorado has requested the Board's approval to install Fiber Optic cable to the Courthouse Plaza at no cost to the County. IT Director, Diana Wessel has no objections to the installation. AT&T Broadband has the franchise on the Cable TV in this area. They pay to the City of Glenwood Springs a 2.5% one time cost due to their existing fiber optics cable. Paul Vandre for Cable TV service would have the capabilities of broadcasting live from the Commissioner's Meeting Room.

The Board had no objections for AT&T proceeding.

Drainage Improvements on Four-Mile

Ed briefly mentioned the drainage improvements on Four Mile and said it would be shared costs between the City and County as relates to the Roundabout.

Red Feather – 17 Acres for a Cemetery

Red Feather Subdivision, formerly Four Mile Ranch Subdivision was before the City of Glenwood Springs; the County was not notified for public comment. This will be placed on the Agenda for the next meeting.

Mike Smith – CCI

Mike will be coming to visit with the Commissioners today between 2:30 and 3:00 PM. He works with the Department of Local Affairs and is making a tour of the Counties.

ADJOURN

A motion was made by Commissioner Stowe and seconded by Chairman Martin to adjourn; motion carried.
Attest:

Chairman of the Board

NOVEMBER 4, 2002
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 4, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

a. Employee of the Month – Dee Difeo – Sheriff's Department

Staff from the Sheriff's Department were in attendance. Sheriff Dalessandri presented the award to Dee and made some comments regarding her performance and valuable contribution as an employee.

b. Proclamation for Garfield County 4H Week – Nori Pearce

Nori Pearce, Alicia Vallario and others from 4H were present and provided a video power point presentation as well as giving an overview of the last year.

Whereas, the youth and volunteers of any community are its greatest natural resource; and

Whereas, 4-H in Garfield County claims more than 400 youth members and 90 adult volunteers; and

Whereas, 4-H as part of the Colorado State University Cooperative Extension, is a program where youth and adults learn together in all kinds of projects, events, and activities; and,

Whereas, 4-H has been helping youth and adults learn, grow, and work together for one hundred years;

NOW THEREFORE, I John Martin, Chairman of the Garfield County Board of Commissioners, do hereby proclaim November 3rd through November 10th, 2002, GARFIELD COUNTY 4-H WEEK, in honor of the national 4-H program and urge the people of our communities to take advantage of the opportunity to become more aware of this special program which gives youth the chance to learn together and on their own as part of Garfield County 4-H, and to join us in recognizing the unique partnership between our County and our University System.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Proclamation; motion carried.

RFTA Funding Request for 2003 Budget (\$25,000) – Dan Blankenship

The Roaring Fork Transportation Authority (RFTA) is requesting a grant of \$25,000 in 2003 to support public transit services currently being provided to residents of unincorporated Garfield County. Boarding and alighting surveys conducted by RFTA in 2002 indicate that approximately 58,950 or 1.83% of RFTA's 3.2 million annual boardings and alightings in the Highway 82 corridor originate or end at bus stops located in unincorporated Garfield County.

Dan submitted a graph reflecting that 66% of the trips beginning or ending in unincorporated Garfield County are being made by people traveling within unincorporated Garfield County or between Glenwood Springs, Carbondale, El Jebel, and Basalt. Only 33% of the total trips being made are between the upper valley communities of Aspen, Snowmass Village, and Pitkin County.

RFTA's budget for 2002 total approximately \$6.5 million. If allocated based upon boardings and alightings alone, Garfield County's share of RFTA's total regional costs would be approximately \$119,000 in 2002. If Garfield County had opted to join RFTA and its voters had also approved a .4% sales tax levy in the unincorporated Roaring Fork Valley portion of the County, Garfield County's annual contribution to RFTA would have been approximately \$178,000 in 2002. The public transit service between Rifle and Glenwood Springs was implemented by RFTA on April 14, 2002. The beginning ridership in April was 553 passengers; in July 2, 486 riders.

Chairman Martin stated the Commissioners have not determined if this could be as a grant or as an IGA.

Don DeFord is looking into this and will put an IGA before the Board for a later discussion. This will be in a public session. Commissioner Stowe mentioned it would be decided on a year-to-year basis.

Commissioner McCown said for budgeting purposes, if the vehicle can be in place, he could possibly count on the grant for 2003. Don will bring this back to the Board of November 18, 2002. There is an IGA in place addressing for location of service.

c. CCOERA Deferred Compensation Plan and EGTRRA – Judy Osman

Judy Osman presented the revisions and summarized saying the modifications provided by EGTRRA includes increased contribution limits, and more flexibility in distributions from 457 plans. She fully explained the written material submitted by Jay Shoemaker, CCOERA Executive Director.

Commissioner McCown noted there were some problems with the program and they tend to drag their feet; he suggested Ed Green have a discussion with Jay Shoemaker to iron out these concerns.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the revision to the Deferred Compensation Plan Resolution to Adopt EGTRRA Modifications; motion carried.

- d. ***Request from Employee of the Month Committee*** to increase monthly award from \$50 to \$75 and to increase yearly award from \$100 to \$125 – Judy Osman

Karen Mulhall and Judy Osman presented the request to the Commissioners for consideration regarding the increase monetary awards along with an Employee of the Month Nomination Form.

Commissioner McCown stated this was a gift from the County, it was developed in-house and it is not a contest or a prize; and made a motion to leave it as is for the upcoming year. Commissioner Stowe seconded the motion; carried.

- e. ***Out-of-state travel request*** for Kraig Kuberry, Jane Dyke, Jon Wellendorf to attend SWANA conference in Arizona – Marvin Stephens, Kraig Kuberry
Ed explained that this was to obtain annual CEU's for accreditation – Waste Screening Course/Special Waste Conference. The cost maximum is estimated at \$14,850.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the out-of-state travel request for the above named individuals and authorized the Chair to sign; motion carried.

- f. ***Out-of-state travel request*** for Steve Anthony to attend Western Resource Conservation and Development Annual Conference in Taos, New Mexico – January 13 – 16, 2003.

Ed Green stated that Steve is president of the Council and a national plan on fire recovery. The costs will be distributed between the 2002 and 2003 budget.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the out-of-state travel request for Steve Anthony and authorized the Chair to sign; motion carried.

- g. ***Town of Carbondale*** requests for \$10,000 for improvements to the intersection of State Highways 133 and 82.

John Heier and Bentley Henderson were present at the Commissioners a few weeks ago and Ed presented a follow-up letter today regarding their request.

In March 2001 Bentley Henderson, Assistant Town Manager, Town of Carbondale, provided information to the Commissioners regarding some improvements intended for the Intersection of State Highway 133 and 82. Additional north-bound turn lands and the geometry of the up-valley merge lane have been added and reports are extremely favorable with traffic moving out of town much smoother and efficiently. This request is for \$10,000 to take steps to fix this intersection, which is just over \$219,000. CDOT is assisting with roughly \$14,000.

Ed requested the Board take action on this matter so if a decision is made to authorize the \$10,000, it can be incorporated into the Budget documents for 2003.

Commissioner McCown stated this \$10,000 is much like the request from Rifle. We have to come up with a document that would allow for this interaction to take place, an IGA or whatever, and we don't have that at the present time. Can this be done by the 18th as well? Don DeFord stated he could do so, but was not sure if this timeframe will be agreeable with their attorney. Chairman Martin suggested since they did their double turn-lane to the west, they need to do some more improvements for their pedestrian safety because of the park and ride. Red Hill has been expanded to become a park and ride, they are crossing to and from, and this is for a safety factor for all those pedestrians as well as the alignment of the bridge and sidewalks and feels it is a worthwhile project.

Commissioner Stowe agreed that it's a great enhancement for the turn-lane as well, it mitigates some of the traffic concerns. Once the IGA is in place, he would be in support of that \$10,000. Commissioner McCown inquired if Don would need a motion authorizing this upon completion of the IGA by both parties. Don said at this point he would like a motion directing his office to prepare an IGA and in the motion state, just generally what the services are that you anticipate reimbursing Carbondale.

Commissioner Stowe made a motion that we draft an IGA with the Town of Carbondale to reimburse \$10,000 of the \$219,000 that they did and improving the intersection at Highway 133 and Highway 82. Commissioner McCown seconded. Commissioner McCown, just briefly, that this is a precedent that I have some personal concerns about using County funds to improve State Highways. I don't think it is particularly what our greatest and best needs for some of our road funds but given the fact of the financial crunch that they are facing and the size of that project, I think just looking at it is helping out a City or

Town in our County. But using County funds to approve State Highways has not been our history, nor do I want to see it started. Commissioner Stowe – I would concur with those comments, Larry. Motion carried.

h. **Report of Trip** to Buffalo for KVS system upgrades – Lois Hybarger

Lois Hybarger submitted the Enterprise Edition of the KVS Account System, Oracle Version Data Base – Highlights included: January 2003 release; Budget Preparation Module; Requisition/Purchase Order and Cost Capturing; Remote Connectivity; Enhanced centralized collection and receivable information; and Fixed Asset Reporting.

Some changes will generate far more reporting documents, establishing cost centers, and projects codes. First release of the new software will be in January 2003; each department can tell accounting what they want and need and reports will be generated.

The budget preparation process has a staging, first, second and third revamp. Complete memo documentation to assist in the memory process. Under the purchase order process; training Tuesday, November 5. Garfield County will do the upgrades on a quarterly basis after testing has been completed. Lois will set up a users group via a telephone conference since two other counties have signed up with KVS. 1998 and 1999 information is still floating around in the KVS system and they are trying to clean this up.

Jesse said, we need to get the payroll system in-house and a relational data base. Their new system is still unsure that it can accommodate the needs of the County, if not, this system will need to be replaced. The quarter million dollars is the only thing holding us up.

i. **Award of Smart Growth Grant – Garfield County Model County Land Use Code - and consideration of matching funds in the amount of \$50,000** – Randy Russell

Randy Russell and Mark Bean were present. Randy submitted the grant award letter informing Garfield County that we have been designated as a Colorado Heritage Community Area and the award of \$50,000 we requested will be forthcoming. This does require a \$50,000 match and the project this is to be used for is the Garfield County Model County Land Use Code. Randy requested approval of the Board to proceed with executing the grant contract. Discussion was held with varied comments from the Board. Mark stressed that the State was made aware that it is Garfield County's intent to develop a local regulation that will include a genetic application including definitional and procedural applications. Randy requested to work with Don DeFord to prepare a contract for a Consulting Firm ready for the Board's review on January 6, 2002. Mark added that the type of Consulting Firm will be one that will have a great deal of definitional, procedures, in their computer and a proven track record. Transfer development rights will be generic and there will be other similar items to draw from generically.

The plan is to develop an RFP after the scope of work is envisioned and find someone who can do the work. Mark said we would be looking for a local presence here and a great deal of the work involved will be in-house. The work has to be completed in an amount not to exceed \$100,000. The public will be involved as well as the municipalities with comment and input into the interface zones – this will be done in-house. The Spear of Influence must be defined first with the municipalities. Mark emphasized this would be the County's document. Randy requested to have this contract prepared and ready for January 6. Jesse stated the entire amount of \$100,000 would have to be in the budget.

j. **Award bid to Vision Security** for installing two new zoned fire alarm systems in the amount of \$20,658 for the Taughenbaugh and Mountain View Buildings – Ed Green

Tim Arnett and Richard Alary presented the bids stating there were four ranging from \$20,658 to \$56,762. His recommendation was to award the bid to the lowest bidder for \$20,658 to Vision Security out of Carbondale.

A motion was made by Commissioner McCown and seconded by Commissioner

Stowe to award the bid to Vision Security for \$20,658 for installing two new zoned fire alarm systems for the new zoned fire alarm systems for the Taughenbaugh and Mountain View Buildings; motion carried.

Cubby Trevino's funeral is today; he was formerly employed by the County with Road and Bridge. He died from a liver transplant that his body rejected.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. **Consideration and authorization to sign Resolution Vacating Portions of a public road right-of-way otherwise known as County Road 160 or Front Street. Petitioner: Michael Alsdorf**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution vacating portion of a public road right of way otherwise known as CR 160 or Front Street – petitioner Michael Alsdorf; motion carried.

b. Consideration and authorization to sign PUC stipulation and settlement agreement

Carolyn Dahlgren presented the public utilities documents and explained the areas included in this agreement. Signatures on the document include the Mayor of the municipalities of Carbondale, Glenwood Springs, New Castle, Silt, Rifle and Parachute as well as other State officials.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the stipulation and settlement agreement for local calling from Parachute to Carbondale; motion carried.

c. Discussion re: Authority to Control Noise

Carolyn Dahlgren submitted the Larimer County and Boulder County Ordinances as examples concerning Noise Levels for discussion purposes and provided the Board with a draft of the legal perimeters for enacting similar noise level restrictions in Garfield County. She focused on using the current land use authority the Board has in developing standards for regulating compressor sites. She requested the Board review the material and discuss this at the Workshop scheduled for November 20th at 6:30 p.m. with the Planning Commission. The workshop discussion items will be Road Vacation and Noise Levels.

d. Executive Session: Litigation Update – County Property – Land Use Items

Those to remain for the session included: the Board, Don DeFord, Carolyn Dahlgren, Mildred Alsdorf, Mark and Dale.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items. Motion carried.

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

Action by the Board

Don – in the matter of litigation in the **Venire** Case, I would ask that the Board authorize Tony Melanokis, Counsel for the Board and the insurance pool to resolve that issue as described. Commissioner Stowe – so moved. Commissioner McCown seconded; motion carried.

Don – there was also a question about remediation on the Silt site.

Commissioner McCown made a motion to authorize staff to move forward with the remediation of the Silt Road and Bridge Shop in an amount not to exceed \$20,000. Commissioner Stowe seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Tuesday, Election Day; Calculation of Growth on Wednesday, Resort Communities – 9:00 a.m. 4-H event on Saturday.

Commissioner McCown – 4-H on Saturday.

Chairman Martin – Oil and Gas Proposal by the various counties with clarification and new definitions; this is in the form of a proposal for legislation. 1:00 PM Thursday, CCI, teleconferencing available.

CONSENT AGENDA

- a. Approve Bills
- b. Authorize Chairman to sign Xcel Energy/Public Service Company Special Use Permit and Special Use Resolution
- c. Sign Williams Energy Division Orders
- d. Sign Mylar for Amended Final Plat of Lot A7, Aspen Glen Filing 1. Owner: Jeffrey Beinstein
- e. Sign Contract Amendment for the Colorado Heritage Planning Grant
- f. Authorize the Chairman to sign Mineral Lease allocations to municipalities

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - f; carried.

Updates - Election Update – Mildred informed the Board that Test Ballots are being run today with the Democratic and Republican representatives present. Later this afternoon, staff will begin counting Absentee and Early Votes and continue into tomorrow.

Discussion Item – Housing Project next to Valley View Hospital

Chairman Martin noted he had received a letter in the mail regarding the Housing Project next to Valley View Hospital and was referring it to Don DeFord. This involves County property with our lease.

Executive Session – Personnel Item

Don requested a brief Executive Session and requested that Jesse, Ed, Carolyn, Mildred and he attend.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items. Motion carried.

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

REGULAR AGENDA - PUBLIC HEARINGS

2002 BUDGET AMENDMENT

Jesse Smith and Ed Green were present.

Jesse submitted the amendment and Exhibit A and Exhibit B and explained the amendments.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the ninth budget amendment and authorize the Chair to sign the Resolution; motion carried.

PUBLIC MEETINGS

STAND-ALONE COMPRESSOR UPDATE AND TESTIMONY REGARDING COMPRESSORS:

SID LINDAUER

Sid Lindauer, Howard Orona, Gerhardt and Sandra Aldersea submitted letters to the Commissioners regarding the different gas company compressor units emitting high levels of noise very close to their property. They were asking the Commissioners to maintain tighter control and monitoring of noise abatement and water quality to ensure future quality of life for the people living in the area. Williams Production Company is cooperating and working with their neighbors to eliminate these noise problems; however EnCana Oil is not. Sid submitted that two of his neighbors will testify to these loud noise that appear to be extending at least one mile from the center of the compressor station in all directions. American Soda was used as an example of having equipment that equals or surpasses in noise however due to the proper housing and confinement of their equipment, the valley is not affected by their operation. Commissioner Stowe informed Sid that the County Attorney has given them a draft of some proposed language that will be discussed in a workshop with the Planning Commission on November 20th at 6:30 P.M. at Courthouse Plaza and it is open to the public.

AUTHORIZATION FOR CHAIRMAN TO SIGN AND DIRECTION TO CLERK AND RECORDER TO RECORD 2ND AMENDED PREHM RANCH EXEMPTION PLAT AND AMENDED PLAT OF LOT 22, WESTBANK RANCH PLANNED DEVELOPMENT SUBDIVISION, FILING NO. 1

Don DeFord, Steve Beattie, and Rick Neiley were present. Don DeFord reported to the Board that these three items, as referenced above, are being held by the Clerk. Mark has received the executed plats but before the Board moves forward, the Board needs to be satisfied that these meet the conditions set forth in the motion to approve and authorize the Chairman to sign the various documents. The Glenwood Springs Fire District addressed one of the conditions of approval. It is in the Board's discretion to determine if the conditions have been met.

Commissioner Stowe said in view of the letter we received from the Fire Department showing that keyed and coded access is not yet in place or operational to the south gate, nor did it address access to the north access, therefore, this Board would be a little remiss in approving this at this time.

Commissioner Stowe made a motion that we refer this to the November 18th meeting for review at that time to see if those concerns addressed in the letter we received is in place. Commissioner McCown seconded the motion.

Chairman Martin – we've not received any other information other than this letter the Board received on Friday, November 1, 2002. Rick Neiley was asked if he had anything to present regarding this issue. Rick stated this is the first he has seen of the letter, he wasn't given a copy of it. Rick Neiley said this represents a dilemma to the extent that they have done the work. He didn't think it was ever anticipated in this entire process that the gates would necessarily be in place before the plat was signed, etc. They have ordered the gates, paid for them, completed the dirt work, etc. and withstanding the fact that we don't have 100% signed documents, as he understands Mr. Stowe's comments correctly, it may be that we will have to wait until after we actually get the system in before the County would feel satisfied that the Fire Department has the access codes. They have committed to have the system in place by the 28th of November and he feels confident that this will happen. Rick added whether or not they have both gates installed and operational by the 28th of November is uncertain. They have been pressing Summit Doors for their actual schedule. The dirt work, utility work is about done and they have to pour their pads, etc. He added they have given the Fire Department the existing codes for the gates back in September after the Resolution to vacate was approved. At this point Rick was uncertain what else he could do and referenced on page two of Ron Biggers is the order form which was signed off by the Fire District and obviously according to Ron, the switches are delayed until the middle of the month. Commissioner Stowe reiterated that this was a regulation issue for the County. Don added that it is our condition of approval was explicit on this matter

and asked Rick if it was not possible to get the codes and the keys for both gates to the Fire Department before actual installation is completed. Rick Neiley, yes it is. In fact, they have the current codes to access the Ranch, and these key switches have to be installed into the gate mechanisms. There are two alike for both the north and south gates. They will go ahead and complete this regardless. Westbank is very anxious to get this wrapped up, in part due to the commitments in the settlement. He added that he can understand that the Board did not want to have to come back to this issue because these gates were not installed.

Chairman Martin reiterated Commissioner Stowe's concern due to the fact that if the Board gives approval, then we would be accepting whatever is in front of us now and we need to make sure we are satisfied 100% in order to say it's completed. Commissioner McCown said it's a catch 22 for this Board. It is clearly a condition of approval. The fact that the codes and the keys were forth coming, was not a condition and it is very clear and explicit, so he seconded the motion made by Commissioner Stowe to continue this until the first meeting in December and that will be after their 28th of November scheduled crunch. Clarification was made that this would be referred to the 18th. Chairman Martin added that it would be scheduled for the 18th and therefore if something should happen between now and then, Rick can supply us with that information. Commissioner McCown stated that should all that information should be in place, having seen everything else, this being the only critical issue that we're absent right now, could we place that on the Consent Agenda and alleviate attorney's times and money to their clients to come back here to sit in on these issues. Don said that was certainly acceptable. Commissioner McCown made a motion to that effect then if this letter from the Fire Department be received prior to 18th meeting, it will be placed on the Consent Agenda. Commissioner Stowe seconded. Motion carried.

AUTHORIZATION FOR COUNTY ATTORNEY TO SIGN MOTION TO DISMISS CLAIMS PURSUANT TO STIPULATION OF SETTLEMENT IN BOCC ET. AL. V. MARLIN, ET. AL

Don stated this can be addressed in the same matter as the last issue until we're completed and wrapped up, we will not move forward on that.

DIRECTION TO CLERK AND RECORDER TO RECORD RESOLUTION NO. 2002-93

Don requested the same action on this issue as well. Commissioner McCown said all of those actions could be placed on the Consent Agenda as well should the triggering action allow the first item to be placed. Don agreed.

Commissioner Stowe – for purposes, the attorney for Westbank, Steve Beattie, was noted to be present and wanted to make certain he understood what the Board was doing and if he had questions.

Steve Beattie stated that in light of the fact that this is a public meeting, he would like to go on record on Westbank's position regarding the matter. The Board has already voted so it's a fruitiest time. The Condition of the Resolution 2002-34 was among other things that the Planning Department received from the Glenwood Fire Department quote, "or other information to provide for emergency access for the Department to the property." Mr. Biggers letter, which I think Mr. Neiley exercised great efforts to try to get from Mr. Biggers, does indicate that they key switch system to be installed on the gates meets our requirements for emergency access to Prehm Ranch. I think the Board has received what you required which was other information to provide for emergency access. It's a ministerial act to put the key system into place. I believe that the condition of the Resolution has been met and further believe that in his stating that we need to respond to an emergency and will need this information, it's been offered. I think the condition has been met but you gentlemen make that decision and you've rendered your vote. However, he wanted to go on record advising the Board's of Westbank's position on this matter.

DISCUSSION OF CITY OF GLENWOOD SPRINGS TRANSPORTATION COMMISSION

A meeting has been scheduled for Wednesday, November 6, 2002 at 7:00 A.M. in the Engineering Conference Room at the City Hall in Glenwood Springs. The agenda includes: review traffic impact fees; discussion of: committing proportionate share of funds for reconfiguration of 4-mile Midland Avenue Intersection; committing proportionate share of funds for Midland Avenue extension and bridge crossing Roaring Fork to Highway 82; active interaction with CDOT supporting funding for the relocation of Highway 82 off Grand Avenue and onto the Railroad right of way; full participation, including funding, for the Roaring Fork Transportation Authority; and involvement with Glenwood Springs in considering and implementing transportation needs arising from continuing growth both within and outside of the City of Glenwood Springs. The next meeting to be scheduled will be either December 3 or 10th.

Don cautioned that if more than one member of the Board were going to be present, Mildred would need to be present.

Commissioner McCown did not oppose attendance, but no commitment could be made, his attendance would just for informational purposes

Chairman Martin stated, the County has paid \$94,000 in cost already. Any additional cost lies with the City of Glenwood Springs. We have not paid up to the \$250,000 for the engineering study only. The City has never given us those costs. CDOT is going ahead and it is no cost to the County at this time.

Ed said the total cost of the design is \$60,000 and CDOT has agreed to provide 2-950

Commissioner McCown – no commitments have changed from the original agreement.

Chairman Martin – the IGA may need to be changed. Don provided the Board a memo regarding this matter.

The Commissioners did not oppose Chairman Martin from going to the meeting but were reluctant to have more than one.

Planning Staff, Chairman Martin, Ed and Jesse were planning to attend. Post Notice of the Discussion and Randy Russell to take minutes with more than one Commissioner present. Commissioner Stowe noted there would be no decisions made even if two Commissioners were present. However, Commissioner Stowe made a motion to

authorize Randy Russell to act as Clerk to the Board at the Transportation Commission meeting to take minutes whether one or more of the Commissioners were present.

Commissioner McCown seconded the motion; carried.

Wednesday, 8:30 – 2:00 P.M. – Growth Conference – City of Glenwood Springs

This is part of Healthy Mountain Communities series of workshops to provide tools for dealing with growth-related pressures at the local county and regional level.

PUBLIC HEARINGS

REQUEST FOR APPROVAL FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION (MCKEE SUBDIVISION EXEMPTION). APPLICANTS: PAUL AND PAMELA MCKEE

Carolyn Dahlgren, Don DeFord, Tamara Plegl, Paul and Pamela McKee and Tom Stuver were present.

This is a continued public hearing from September 9, 2002. Exhibits A – J were submitted at the first hearing. Tamara Plegl submitted additional exhibits into the record: Exhibit K – Letter from Samuelson Pump Company, Inc. dated October 2, 2002 regarding well test; Exhibit L: Water Analysis, conducted by Evergreen Analytical, Inc. prepared September 1, 1999; Exhibit M – Well Sample dated October 16, 2002; Exhibit N – Letter from Western Water Treatment, Inc. dated September 23, 2002 regarding treatment of water from Beaver Creek; Exhibit O – Letter from Bob Klenda, Water Commissioner, fax dated October 22, 2002; Exhibit P – Email from Matt Sturgeon, City of Rifle Planning and Development Department, dated October 22, 2002; Exhibit Q – Facsimile from Jay Mall, Garfield County Road and Bridge Department, dated September 12, 2002; Exhibit R – Map of amended driveway access points per the Garfield County Road and Bridge Department; Exhibit S – Email from Bill Sappington, City of Rifle Public Works Director, dated October 28, 2002; and Exhibit T – Letter from Bob and Genevieve Hooker dated October 16, 2002.

Chairman Martin entered additional Exhibits K - T into the record.

Chairman Martin swore in the speakers.

Tamara reiterated the reason for the continuance of the public hearing saying the Board allowed the application adequate time to submit updated water quality tests for the existing well proposed to support three residences. Additionally, comments from the Road and Bridge Department were requested with respect to the sight distances of the proposed new driveways off CR 317 (Beaver Creek Road) and CR 320. Tamara explained the comments in her staff report, suggested findings and recommendation: Should the Board feel that the Applicant has adequately addressed the issues of 1) access onto County Road 320 and 317; 2) physical/dependable and potable water supply from Beaver Creek; and 3) dependable and quality of water produced by the existing well, staff recommends that approval be subject, at a minimum, to the following conditions of this exemption:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The applicant shall have 120 days (3-4-03) to present a plat to the Commissioners for signature from the date of approval or conditional approval of the exemption, unless an extension of time is requested by the applicant and approved by the Board. The plat shall comply with Section 8:33 of the Subdivision Regulations.
3. Prior to the finalization of the Exemption Plat, all physical water supplies shall demonstrate 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 two (2) dwelling units.
 - e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f. If the well is to be shared, a legal, well sharing declaration 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;
 - g. The water quality shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates;
 - h. For water supplies based on the use of cistern, the tank shall be a minimum of 1000 gallons.
4. The applicant shall submit the applicable School Site Acquisition Fees (\$200.00 per parcel) for the creation of the exemption parcels prior to approval of the exemption plat.
 5. The applicant shall comply with the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards.
 6. The applicant shall comply with the recommendations of the Rifle Fire Protection District, which include, but are not limited to: A. Vegetation, 6" in height or higher, shall be removed from near any structures in order to provide a safe zone in the event of wild land fire. This established safe zone shall be maintained. B. Addresses shall be clearly marked with non-combustible letters at a minimum of 4" in height and ½ inch in width and shall contrast with background colors, and shall be visible from primary points of access. If a shared driveway is installed, each residence shall be addressed with the appropriate lettering. C. Access to the subject parcels shall be maintained adequately to accommodate the weights and turning radius of fire apparatus to permit access during adverse weather conditions.
 7. Access permits shall be obtained and approved by the Road and Bridge Department for new driveways prior to the submittal of a building permit application.
 8. A shared driveway agreement shall be submitted for review by staff prior to the finalization of the Exemption Plat.
 9. Utility lines shall be buried.
 10. Any new buildings shall avoid areas of natural drainage. Natural drainages should be preserved to the maximum extent possible.
 11. An Exemption Plat shall comply with Section 8:33 of the Subdivision Regulations. The Exemption Plat shall also include the following notes:

"All easements, existing and proposed, for ditches, irrigation, and utilities."

"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 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 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."

"Any new buildings shall avoid areas of natural drainage. Natural drainages shall be preserved to the maximum extent possible."

"At a minimum, a two-day supply of water, for each lot, shall be stored on site."

"Only one house has the rights to the Beaver Creek raw water supply. The amount of water available to this house is limited to 500 gallons per day subject to the conditions of the court decree dated October 17, 1906, recorded in Book 67, at Page 164 of the Garfield County records."

"Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."

Vegetation shall be removed from near any structures in order to provide a safe zone in the event of a wild land fire. When constructing access roadways into parcels, consideration shall be given to the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. Addresses of the individual properties shall be posted where the driveways are used. Letter shall be a minimum of 4" in height, ½ inch in width, and contrast with background colors. The Rifle Fire Protection District requests to be contacted at the time of construction of the structures for final approval of the water supply.

"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: Tom Stuver for the applicants, with respect to the staff report, Evergreen Water Analytical report in fact shows that the solvents are undetected and apparently was a misread. The well has been in use since 1993 and the report of 1999 is sufficient. To go through the additional expense for a current test is deemed unnecessary as related to the solvents.

Exhibit U was submitted. A two-page letter from the State of Colorado State Health, shows the no presence of any coliform. Tom Stuver read the letter into the record. The Samuelson water report was also referenced. The driveways have been approved by the County Road and Bridge. They do agree that the driveways must be constructed at their expense in accordance with the City of Rifle water lines. A sketch plan map was posted and clarifications were made with reference to the absence of private utility lines traversing their property. The City of Rifle water line in question as to location is clay and presently being replaced with PVC in some locations.

Tom Stuver noted if these utility lines are located, the applicant will be happy to put those on the sketch map. Paul stated the utility lines can be addressed – he thought they ran adjacent to the City's water line. He pointed out on the sketch map where he estimated the pipelines were located and explained the process to be used with their driveways. Paul stated he would be willing to move any private utility lines if they should conflict with the building envelope. Tom suggested this could be addressed at final plat.

Carolyn Dahlgren reminded the Board, per the Commissioner Minutes, that the public hearing portion had been closed at the last meeting.

Commissioner McCown made a motion to re-open the public hearing in order to take new exhibits and testimony. Commissioner Stowe seconded; motion carried.

Exhibits K – U were admitted as well as the testimony by staff and applicant and Tom Stuver.

John Savage stated they have owned the property since the early 1970's. Beaver Creek water is very reliable and he was aware of some issues with the water this year. It is a clay line and the possibility of water being diverted is a strong possibility. He would not have any concern relying on Beaver Creek for water supply to cover accidental interruptions.

Bob Hooker – 8902 Cr Road – joins the McKee's on the east side. A letter to the Planning Department stated there are five water lines crossing the property. When you put a gravel road over the water line, it will press the front line and he has experience frozen water lines in the past where a driveway crossed water lines. There are four residential water lines located in this area and he expressed that he did not want any interruptions in their water. On last Friday, the City is replacing 500-feet of pipe on his property. He pointed out the location of his water line. His line was replaced approximately 14 years ago. He pointed out the fact that his line crosses the McKee property. It does not follow the city water line. Part of his line is plastic and steel with the depth being between three to four-feet. He has a water line across his driveway that is five feet and because his driveway goes across this water line, it has frozen.

Tom Vondette – CR 320 – spoke with the Game and Fish Department. He noted that the top parcel of this proposed subdivision is a major Elk crossing pointing out that between 150 – 200 Elk cross to go into BLM ground. The underlying zoning is one residence for two acres. Commissioner McCown clarified that the maximum would be eight houses on this parcel including accessory dwellings. Bud Squires is south of McKee's and he spoke on the Elk crossing. He believes in the right for the property owner to do whatever he wants with his property. As for Beaver Creek, it is one of the good water sources and runs clear except at times when there's a cloud burst. This year there wasn't very much water and he didn't get any for his crops. Commissioner McCown voiced a problem with all these right of ways running all over this property and nothing be deeded to anybody. He didn't want to cloud the issue by approving a division of this property and creating problems for not only the land owners it is being approved for, but for the people that have these water lines. He questioned how it existed all these years without the City of Rifle having an access agreement in place. The City of Rifle supply comes down through this property and they even have a manhole located according to the sketch map within the confines of the property and they have no access agreement to get in there and maintain any of that. It would clearly be a trespass situation. Tom Stuver said that to note the historical records, at the same time these various twelve to thirteen property owners were granted these five-hundred gallon per day taps, there were two sets of negotiations that went on. 1) was to trade with the respective farmers for some of this water right so that the City would have a good water supply as they built the water works that was actually prompted by the big fire. The other thing that they did was to give deeds to grant the right to build the water line across various properties, but they didn't specify. They were so happy to have a water line go across the property and it wasn't going to bother anybody and it does lie in pretty close proximity to what is now the County Road but they didn't define them. With respect to the City water line, it certainly is easy to define where it is and depict on the final plat an easement that shows the City of Rifle Water Line easement and include that. As to these other lines, unless the line owners Tom Stuver agreed.

Commissioner McCown – utility lines and no agreements and asked Carolyn Dahlgren to clarify. The manhole is located on the McKee property. Tamara Pregl noted in the conditions of approval, recommended adding some agreements the McKee have in their letter with water storage and the driveways that there will be no interference with the City or privately owned water lines. Tom Stuver agreed and said to look at the historical records, there were two sets of negotiations – farmers with respect to water supply and the other thing, and they gave deeds for the right to build water lines across property lines. It lines in close proximity to what is now the County Road. This can be depicted on the final plat and include it. Unless the other line owners want to engage services with a remote detector that would show where they go under the ground, it's going to be very hard to locate them without digging them up. It might be better to have a plat note that advises the two parcels they have underground water lines that serve properties to the north and the east and that the right to maintain and repair those lines as needed is recognized so long as it's done in a reasonable manner. You put in what the law essentially says, they are prescriptive right, they aren't deeded rights. The law says that if you have a prescriptive easement across someone's property, you do have a right to maintain it, you have to exercise your use of it in a reasonable way that doesn't unduly burden the surface owners. This is certainly what has worked for people the last 100-years and simple reference it so that the purchaser is aware of it and that protects the interest as best we can unless some of these individuals lot owners, like Mr. Hooker, if would want a defined easement and wanted to commission a surveyor to locate the line. If this is requested, Tom committed to work with him to show it on the plat. It is not intended to deprive them of the right to convey water. Commissioner McCown said he wasn't at all concerned about depriving anyone of there water and didn't think that was the McKee's intent at all, however, his concern is if the buyer of parcel number two, doesn't care about the water line and builds a house and that house is over two water lines and it becomes in disrepair and the people that those water lines serve say, you've got to fix my water line. And he has to dig up and build two water lines around his building envelope and provide them with water. This would become a pretty dirty issue for that property owner and the McKee's because the water lines don't serve them, they're crossing them, but is it their responsible to locate, dig up and relocate these lines. Tom agreed it was not and suggested a plat note. If someone were to dig a foundation, they would find these lines in they are in the middle of the property. Carolyn Dahlgren asked Tom if he said the City granted deeds across this property without legal descriptions. Tom said no, the farmers gave deeds to the City, giving the City the right to build their pipeline across their land. There are 13 different ownerships that were affected by this – 48 acres. Carolyn clarified that these deeds show up in a title search. Tom verified they show up in three deeds but he hasn't checked all of them. Carolyn said, the plat note would put folks on notice but the concern is still there and a

house could be built right over a water line and then there would be a private fight. Commissioner McCown – yes and then Civil Action would ensure and on and on. He didn't want this to happen to either entity, but didn't necessarily see it as McKee's obligation to locate everyone's line to ensure it's in a right of way somewhere that's maintainable. It was concluded that Plat Notes should cover this and alert the new property owner of the risk. Tom Vondette – is a utility line locator. Any lines that are metal can be located and depths can be located.

There is a consent to allow the utility line owners to come on the property. Tom – if they must be moved, and that would be because there is not room for a home site. Paul McKee stated there are options for building sites as this property is big enough to locate a building envelope in several locations within the lot(s). Tom Vondette stated at least three lines are crossing this property. Commissioner McCown stated this has not been resolved in his opinion. Even if the owners of the lines, Terry Broughton, Mr. Hooker and Bob Morris fine their lines on the property and you give them an easement, there's got to be a certain amount of easement given not just the width of that line, usually 10 – 15-foot to maintain service to it, that taking 45' across the length of that property. Tom said they could agree to the fact that no building envelope would be identified, which doesn't conflict with the pipelines in place. Paul McKee said he has been in construction since he was 17 years old and felt sure a building envelope could be located. Once the lines were located, there could be a building envelope could be put on there that would work. Carolyn Dahlgren clarified as a condition that Mr. Stuver just suggested "no residential construction until the building envelope identified after the lines are located", is that in reference for all four of the parcels or just the one that we know has three lines? Tom Stuver stated that the problem is that we don't have any evidence of where the split occurs at the City of Rifle manhole and radiating out from that we only have lines going to the northeast, so he was not certain how to prove the absence of lines on other lots. all water lines have been located." Commissioner McCown asked how this Board enforce the owners of these other lines to come up with the location and the price of the location of their line? Carolyn stated we can't enforce it. All we can do is make conditions of approval as to this exemption. Commissioner McCown said, theoretically if one pipe owner elected not to locate his pipe it would render those two lots unusable because they did not detect the location of those lines, if we stay on this same line of thinking as we are now. Carolyn – the developer of course can go ahead and spent the money to locate them. Tom Stuver – if one goes through the largest lot, through the middle of it, and someone gets a building permit and goes out there and commences with the foundations and runs into a waterline, the law says that person had an easement for the waterline – the person who broke it is responsible for repairing and starting it over again. Commissioner McCown reiterated the negligence would be on the digger to locate the line. Tom agreed.

Commissioner McCown – unbeknown to him that there was a line even out there in the middle of his field. Tom – a plat note will be placed on it saying there are private lines through this by the City of Rifle from his manhole at whatever location that is which are underground and accept to specify hereon maybe crossing properties.

Commissioner McCown – the tap is at the manhole and that's where the City's responsibility stops. Tom – at some point the City of Rifle did meter some if not all of the lines, but became frustrated with maintaining the meters. Whether 500-gallons is being transported or if some of these lines are leaking is an unknown at this point. They could require meters at any time. Paul McKee pointed out on the Sketch Plan that Parcel One already has a dwelling on it and Parcel Four would not be affected at all, Parcel Three would not be affected because he didn't think someone would be that close to Parcel Two, you would be building over here, which would also put you off the waterline. So really the only parcel affected by these waterlines would be Parcel Two. The waterlines may be spider-webbed through there but once located, that building envelope can be moved around to avoid them. He will be adding water lines and pointed the pump house where the well is located and storage tank placements. There will be some utility line construction going in here and anytime you call for a line locate, everything has to be located. When they come up they will find all these water lines. He talked to Marco at the City of Rifle and explained the water line situation. The driveway would be in agreement with the City of Rifle. The City water line will have about 7-feet of fill when completed.

Carolyn – Stover's condition only applies to Parcel 2 and 3– in the exemption process we can't take care of everything that could possibly apply – Parcel 1 has three water lines on it per Tom Vondette and stated Parcel One should also have the plat notes.

A motion was made to close the public hearing by a motion made by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

A motion was made by Commissioner McCown to approve the request for approval for an exemption from the definition of subdivision for Paul and Pamela McKee with the conditions 1 – 11 and A – L as recommended by staff adding M to include the testimony today indicating the 5,000 gallons of storage; N – a shared driveway agreement as presented by staff; O – all water lines currently intersecting lots, to be located by the owners of each line and a 15' easement, and a plat note would indicate this condition. Commissioner Stowe seconded. If the owners of the lines chose not to pay for it, there can be no enforcement with either the current owner or future owner. The building envelope is the problem and this plat note would be an indicator. Staff clarified that Condition 8 – meets the shared driveway agreement provision. Commissioner McCown amended his motion to take out N and move O to N. Commissioner Stowe accepted amended motion and amended his second. Vote – motion carried.

REQUEST FOR APPROVAL FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR THE TAMURELLO NORTH SUBDIVISION EXEMPTION LOCATED ON A 40 ACRE PARCEL ALONG CR 210, IN THE CACTUS VALLEY AREA, EAST OF RIFLE. APPLICANTS: GREGORY J. AND ANNIE E. TAMBURELLO

Counselor Catalina Cruz, Tamara Plegl, Attorney John Savage for the Tamburellos and Gregory J. Tamburello were present.

Catalina reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Garfield County Subdivision Regulations of 1984; Exhibit E – Staff Report dated November 4, 2002; Exhibit F – Application Materials;

Exhibit G – Original staff reported dated November 27, 2000; Exhibit H – Letter from the Building and Planning Department dated August 24, 2002; Exhibit I – Email from John Savage including Petition for Exemption dated August 16, 2002; Exhibit J – Application for Driveway Permit dated March 23, 2002; Exhibit K – Letter from Rifle Fire Protection District dated March 23, 2002; Exhibit L – Letter from John Savage dated July 9, 2002; Exhibit M – Water Supply report dated May 9, 2002, from Colorado River Engineering, Inc.; Exhibit N – Well Sharing Declaration; Exhibit O – Easement Declaration for access and utilities; Exhibit P – Tamburello North Exemption Plat, revised date of September 12, 2002; and Exhibit Q – Tamburello North Access and Utility map dated September 10, 2002.

Chairman Martin entered Exhibits A – Q into the record.

Tamara reviewed the project information and staff comments stating that the applicant received conditional approval by the Board of County Commissioners on November 27, 2000 to subdivide approximately 40 acres into three tracts of land – 20.721; 9.169, and 9.847. A copy of staff's memorandum dated November 27, 2002, to the Board, Exhibit G – provides a detailed summary of the issues addressed in 2000, as well as a list of conditions approved by the Board. The exemption plat was to be presented to the Board for signature prior to March 27, 2001. A 30-day extension from March 27, 2001, was granted by the Board of April 26, 2002. One April 26, 2001, the applicant requested a two-week extension until May 11, 2001. An Exemption Plat was not filed with the County in this timeframe. Pursuant to a letter, dated August 14, 2002, from the Garfield County Building and Planning Department (Exhibit H), it was noted that the Board has a policy of granting extensions of up to one year from the date of approval. This plat was not submitted within any of the above timeframe. Therefore, it is necessary to resubmit an application for considerations by the Board. Exhibit I – response to staff's conclusion; draft copy of an Exemption Plat (Exhibit N) and an Access and Utility Easement map (Exhibit O) was provided by the applicant's representative.

The previous approval granted by this Board of November 27, 2000 was with a number of conditions; many of those conditions have been addressed.

The recommendation is that the Board APPROVE the Tamburello North Exemption, subject to the following conditions:

1. The conditions approved in accordance to staff's memorandum dated November 27, 2000, shall be superseded by the following conditions of approval.
2. 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;

3. The applicant shall have 120 (until 3-4-03) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. The 1978 Garfield County Zoning Resolution and Colorado Department of Health standards shall be complied with.
5. Use of a cistern as a source of domestic water shall not be permitted. Use of a legal well shall be acceptable.
6. The recommendations of the Road and Bridge Department shall be on-going. These recommendations include: A. The fence shall be setback a minimum of twenty (20') feet. B. The brush shall be cut and removed for site distance. C. Access shall be limited to one entrance on the county road.
7. The access roadway to the parcels shall be constructed adequately to accommodate the weights and turning radiuses of emergency apparatus to permit access during adverse weather conditions. (see note below)
8. The Easement Declaration (for access and utilities) shall be filed, with appropriate signatures, with the Exemption Plat.
9. The Well Sharing Declaration shall include language regarding the potential need for a storage/booster pump. This document shall be filed, with appropriate signatures, with the exemption plat.
10. The following plat notes shall appear of the Final Exemption Plat:
 - A. The existing well on Tract 1 does not have sufficient yield to meet the entire irrigation limits allowed by the permit. A limited supply of irrigation water is available from the well.
 - B. One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries.
 - C. 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.
 - D. 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.
 - E. No further divisions by exemption from the rules of Subdivision will be allowed.
 - F. Slopes exceeding 25% shall be restricted from development. Areas of disturbance shall be revegetated with appropriate, rapidly established vegetation. Development on moderate slopes (16-24%) shall be designed to fit the contours, without any leveling or benching. Cut and fill areas shall be designed to fit the contours, without any leveling or benching. Cut and fill areas shall be kept in balance and to a minimum. The existing natural drainage system shall be utilized to the fullest extent possible with disturbance of natural drainage courses minimized. Disturbance of the existing vegetative cover shall be minimized.
 - G. Vegetation shall be removed from near any structures in order to provide a safe zone in the event of a wild land fire. When constructing access roadways into parcels, consideration shall be given to the weights and turning radius' of emergency apparatus to permit access during adverse weather conditions. Addresses of the individual properties shall be posted where the driveways are used. Letter shall be a minimum of 4" in height, ½ inch in width, and contract with background colors. The Rifle Fire Protection District requests to be contacted at the time of construction of the structures for final approval of the water supply.
 - H. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado."
 - I. "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."

- J. "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."

John Savage – the delay was the well permit, well drilling and miscommunication between Planning Staff and Mr. Savage as to who was to do the extensions. Jeff Nelson inspected the road back in May 2001 and never reported this to the Building and Planning Staff.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to APPROVE the request for approval for Gregory J. and Annie E. Tamburello for an Exemption from the Definition of Subdivision for the Tamburello North Subdivision with the conditions of staff 1-10 and the testimony here today. Motion carried.

CONSIDERATION OF AN ANNEXATION PROPOSAL BY THE CITY OF GLENWOOD SPRINGS TO ANNEX THE RED FEATHER RIDGE SUBDIVISION

Carolyn Dahlgren and Mark Bean were present.

Mark Bean submitted a memo to the Commissioners stating the public hearing to consider the annexation of the Red Feather Ridge Subdivision to the City of Glenwood Springs was received; however, the verbal inquiries indicate that the annexation does not include CR 117 (Four Mile Road) from the Intersection of Midland Avenue to the entrance of the development. This notice is not in compliance with out Intergovernmental Agreement, in that new proposals are supposed to be referred to the County at the time they are received by the City. This application just received a recommendation of approval from the City Planning Commission on Tuesday, October 29th. No additional conversations were held prior to this notice. Mark – in terms of the overall subdivision, there will be some significant impacts to the road and there is a concern that the City is not going to annex the portion of the road. Four Mile road is not a part of this proposal. We're in the same position as last time, they are not responding to our comments and concerns. A cemetery has been proposed as part of the open space. This is 149 units and the County approved 58 units. The neighbors are very upset. The County can make recommendations. Mark said we could have some ability to control the access to Four Mile Road with our road access permitting process. Unless there is some assurance and the actual proposal of how, we do not have the information to make proper comment. At this time we do not allow additional use in our access permit.

Carolyn – suggested an Executive Session to provide the Board with some legal advice if the Board wants more information.

Direction was given to Carolyn and Mark to notify the City to read the IGA and to provide this Board with the entire proposal in order that it can be reviewed; to alert them to the access issues and asked Carolyn to compose a letter for the Chair's signature. This goes to the City Council next Thursday, November 14th.

Executive Session – Advice regarding this proposal

Mark Bean and Mildred Alsdorf, the Board, Carolyn Dahlgren, and Don DeFord - Ed and Jesse - Commissioner McCown moved the Board go into an Executive Session to receive advice. Commissioner Stowe seconded; motion carried.

Agenda for the City/County Meeting November 12

Payment for the 4-Mile study.

Engineering'

Parking issues

Land review

County will pay up to \$250,000.

ADJOURN

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

Attest:

Chairman of the Board

NOVEMBER 12, 2002
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 Tuesday, November 12, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Jean Richardson, Lisa Gunderfelder and Kevin Snyder of Rock Gardens Mobile Home Park in No Name were present. Jean presented a request to the Commissioners regarding an open title with a County tax lien and permission to assign to Mr. Snyder the title and allow him to take the remains of the trailer to the dump.

The Board was in agreement and Jean will prepare the document and bring to the Commissioners later today.

COUNTY MANAGER UPDATE – ED GREEN

a. Authorize the Chairman to Sign Renewal for Garfield County Lawn and Ground Maintenance for Rifle County Buildings

Tim Arnett and Richard Alary were present. On June 9, 2002, the Board awarded a Services Agreement to Barbara L. Gold for lawn and ground maintenance services for the Taughenbaugh, Henry Building and Courthouse Annex Buildings. This will be a renewal for one year beginning January 1, 2003 and continue until December 31, 2003. The cost is for a not to exceed \$13,284.12.

Richard stated he had reviewed Barbara's performance record and recommended the Services Agreement be renewed for another year.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the Services Agreement for the Garfield County Lawn and Ground Maintenance for the Rifle County Buildings for the year 2003 in a not to exceed amount of \$13,284.12; motion carried.

b. Authorize the Chairman to sign a Jurisdictional Information Sheet for the State of Colorado for Emergency Management Staffing Pattern

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the Jurisdictional Information Sheet for the State of Colorado for Emergency Management Staffing Pattern; Motion carried.

c. Discussion Regarding Mitigation Grant Announcement

Guy Meyer was present. The presidential disaster declaration, which Colorado received, as a result of this summer's wildfires, included a declaration for all 64 counties for the Hazard Mitigation Grant Program (HMGP) authorized under the Stafford Act. The estimated HMGP funds available for mitigation projects in Colorado are approximately \$190,000. The funds may be requested by a governmental entity or an eligible nonprofit for up to 75% of an eligible mitigation project's costs. Watershed protection projects are a priority for these HMGP funds.

If the Board is interested in participating in the HMGP program, the request is to return the Notice of Interest to the Colorado Office of Emergency Management by Friday, November 29, 2002. In addition, eligible applicants will be required to complete a local hazard mitigation plan concurrent with the project. The Federal Emergency Management Agency (FEMA) is required to approve local hazard mitigation plans in accordance with FEMA criteria. One the State of Colorado Office of Emergency Management has received the Notice of Interest; they will provide a point of contact, Guy Meyer, with further details.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Guy Meyer to be the point of contact with respect to the State of Colorado for Emergency Management State Hazard Mitigation Grant Program and to authorize the Notice of Interest to be forwarded to the Colorado Office of Emergency Management. Motion carried.

d. Town of Silt Request to Construct New Sewer line and Improve County Road 231 with Existing Right of Way – High Country Engineering

Scott Stevens from the Town of Silt was present.

The Town of Silt requests approval from Garfield County to construct a new sewer line and improve County Road 231 with a new 12" sewer line to be installed with First Street and County Road 231 within the existing County right of way. The sewer line would be installed as shown on the Plans submitted and

the street would be improved to include a 36-foot driving surface, 2.5-foot curb, gutter on both sides, and an attached 8-foot asphalt bike path. The Town of Silt is solely responsible for the costs of construction for this project.

Robert Zarlingo was present and presented to the Board his concerns for the road where this sewer line is being proposed.

Don DeFord requested this item be postponed for one week until he can have an opportunity to speak to the Town Attorney, Steve Beattie to get the annexation agreement in place, or a time frame to have it in place.

e. Statewide Water Principles – Dale Hancock

Dale submitted a memorandum from Linda Bowman, Club 20 with respect to a Club 20 Update – Water Principles.

Club 20 is working with Action 22 and Progressing 15 and they are seeking organizational endorsements for the statewide “water principles”, which the three groups jointly developed and officially unveiled last week. These Principles provide a framework for discussion on water issues statewide. Solutions are not specific, however they are attempting to define a more encompassing process by which various proposed solutions should be evaluated. The request to the Board is to encourage all Club 20 member organization to formally endorse these Principles and notify the Club 20 office of that support.

f. City of Glenwood Springs – Funds Received for Mitchell Creek

Chairman Martin stated that the \$24,000 the City of Glenwood Springs received for flood mitigation for Mitchell Creek from would be forwarded to the County for inclusion in the reimbursement for that project.

COUNTY ATTORNEY UPDATE – DON DEFORD

- a. Consideration of Action Regarding Employment Contracts – County Manager and County Attorney
- b. Executive Session: Litigation Update and Contract Negotiations

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss a litigation matter; motion carried.

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

COMMISSIONER REPORT

Commissioner Stowe – November 14, 2002 – space meeting involving the Courthouse.

November 20th – Budget; American Soda - & pm on the 14th.

Commissioner McCown – November 9th - 4-H Awards Saturday evening were the best ever. It was well attended.

Chairman Martin - Met with the City Transportation District and relayed all positions on Four Mile – the dollar amount the County has contributed thus far – parking. The City will be responding. Growth Seminar – 128 were in attendance, and some were excited, some not. Very interesting growth patterns, special districts with Senate Bill 15; met with the Grand Valley Citizens on an Ambient Air Study involving the Health Department. Mary Meisner attended. Oil and Gas Commission meeting and various counties were represented - Weld, Moffat, Los Animas – Oil and Gas Issues on Thursday, no legislative action proposed but agreed that they will do the administrative changes – time for review extended – 7 day to 10 day and any comment to the negative add 20 days to 30 days. Any contiguous issues will take a hearing before the oil and gas commission.

Meeting to be held on November 13 at 10:00 a.m. Chairman Martin urged attendance. There is also a request to have designated a local governmental designee for them to work directly with on local issues, permits, etc. Only 4 Counties have full time oil and gas local designees. Noise - Chairman Martin referenced 30-15-40N118 and offered some definitions of ‘production’ as getting the hole in the ground and to the wellhead; once to the well head it is a transportation issue.

Chairman Martin The Commissioners have land use review with respect to placement of Pipelines and Compressors on Public Lands and Special Use Permits on the placement of Compressors. This is what the Industry as well as the Oil and Gas Commissions is telling Garfield County. The only time that we are not is under Article 60 of Title 34 CRS and that is the definition of Production.

Don DeFord suggested that Mark Bean be in attendance if this discussion continues, as he has been in contact with Trish Beavers; also the meeting set for November 19th. Don stated Mark Bean has had discussions with Trish Beavers and others from the Oil and Gas Commission about some of the topics that Chairman Martin is relaying to the Board, but specifically what Mark has been told is that from the Braden head to the compressor, the Oil and Gas Commission does not claim any regulatory authority. What that

means then is we do have authority in that area so for that purpose that's the question for discussion with the Board on the 19th.

Other meetings - American Soda – Battlement Mesa – 7 PM – November 14. BOCC is invited.

Oil and Gas – November 13 – telephone call with producers and setting the next meeting for November 22.

Telephone conference is at 1:00 p.m.; the meeting will be held on November 22 with the Oil and Gas Industry in Denver.

Chairman Martin noted that he would be out of town on November 25, 26, and 27 – he is a witness in a murder trial in Compton, California.

Executive Session – Business for Litigation and Legal Advice

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss litigation issues and obtain legal advice; motion carried.

Needed for the session – Members of the Board, Don, Mildred, Mark, and Carolyn.

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

Action taken:

A motion was made by Commissioner Stowe to authorize the County Attorney to sign a Stipulation of Settlement and Dismissal with Prejudice in the Prehm/Marlin Litigation matter, Item j on the Consent Agenda and authorization for the County Attorney to sign that as Attorney of Record. Commissioner McCown seconded the motion; motion carried.

CONSENT AGENDA

- a. Approve Bills
- b. Authorize the Chairman to Sign a Resolution for Ackerman Special Use Permit
- c. Authorize the Chairman to Sign Geological Hazard Regulations
- d. Sign Special Use Permit for Mark and Eric Bassett
- e. Authorize the Chairman to Sign a Resolution of Approval for the Poncelet Floodplain Special Use Permit
- f. Authorize the Chairman to Sign a Resolution of Approval for the Extraction of Natural Resources (Sand and Gravel), Processing (Concrete Batch Plant, Asphalt Plant, Concrete Casing and Forming) and Associated Activities and Accessory Uses for John C. Martin, Richard K. Stephenson, Scott Balcomb, James and Jean Snyder
- g. Authorize the Chairman to Sign the Second Amending Prehm Ranch Exemption Plat
- h. Authorize the Chairman to Sign the Amended Plat of Lot 22, Westbank Planned Development Subdivision Filing No. 1
- i. Direction to Clerk and Recorder to Record Resolution No. 2002-93
- j. Stipulation and Dismissal with Prejudice – Prehm/Marlin Litigation

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a – i, absent item j previously approved; carried.

Executive Session – Continued - Contract Negotiations with Ed and Don

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the contracts, individually as requested by Ed and Don. Motion carried.

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

A motion was made by Commissioner McCown to authorize the Chair to sign the Employment Engagement Contracts for the positions of Ed Green and Don DeFord so noted by the Clerk and Recorder; motion carried.

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS – APPROVAL

Mildred Alsdorf presented the Commissioners with a listing of the Minutes for 2002 that has not been approved.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the following Minutes of the Garfield County Commissioners: February 19, March 4, March 11, March 19, March 25, April 1, April 15, May 6, May 13, May 20, May 22, June 11, June 17, June 24, July 1, July 8, July 19, July 26, August 6, August 12, August 22, September 3, September 9, September 16, September 23, October 7, October 14, and October 21 as well as the Board of Equalization Meeting Minutes for June 24 and July 26; motion carried.

HOLIDAYS, POSTING OF PUBLIC ANNOUNCEMENTS

Mildred Alsdorf reviewed the current Resolution with the Board requesting any changes they might deem appropriate. The Commissioners agreed that posting of meetings should be in both the Courthouse and Courthouse Plaza and the holidays, work weeks and hours the same as this year. Mildred stated she would prepare the Resolution and bring it before the Board.

Certificate of Title – No Name Mobile Home

Georgia Chamberlain submitted the Certificate of Title to the Mobile Home discussed earlier for the Chairman's signature.

REQUEST FOR APPROVAL OF A ZONE DISTRICT AMENDMENT FROM AGRICULTURAL /RESIDENTIAL/ RURAL DENSITY (A/R/RD) TO COMMERCIAL/LIMITED (C/L).

APPLICANTS: ROCKY AND MARY GABOSSİ

Carolyn Dahlgren, Fred Jarman, John Tauffer, Conrad and Marsha Wagner, Rocky and Mary Gabossi were present.

Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers.

Exhibit A – Proof of Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Garfield County Zoning Regulations of 1978; Exhibit E – Application materials; Exhibit F – Staff Memorandum dated 11/12/02; Exhibit G – Zone District Map; Exhibit H – Letter from Roaring Fork Log Homes and Construction, Inc. to Conrad Wagner dated 10-9-02; and Exhibit I – Letter from The Property Shop to Conrad Wagner dated 10-9-02.

Chairman Martin admitted Exhibits A – I into the record.

Fred gave the background saying, on September 16, 2002, the Board of County Commissioners signed an Exemption Plat for the Applicant for an Exemption from the Definition of Subdivision, which effectively subdivided the entire Gabossi property (61.5 acres) into four lots where Lot 3 contains 20 acres and Lot 4 contains 17 acres - Resolution 2002-84. Subsequently, the Board approved a second Exemption for the same property with different lot configurations for the four lots: Lot 3 contains 3.13 acres and Lot 4 contains 3.43 acres. This second Exemption Plat has not been signed. The purpose of the second Exemption was to create two smaller lots that might be rezoned to commercial at a later date. The applicant requests to rezone those two smaller lots (Lots 3 & 4) from A/R/RD to C/L. The applicant appeared on October 9, 2002 before the Planning Commissioner proposing an amendment to the Comprehensive Plan Proposed and Use Designation Map from "Outlying Residential" to "Commercial" for Lots 3 & 4 so that a rezoning request might be in compliance with the Comprehensive Plan of 2000. In addition the Applicant requested a recommendation of approval for a rezoning for the subject lots from A/R/RD to C/L to the Planning Commission. The Planning Commission denied the Applicant's request however, they recommended the Board approve the rezoning request for Lots 3 & 4 from A/R/RD to C/L. The description of the site is located adjacent to and north of Hwy. 6 approximately ¾ mile west of Canyon Creek and three miles east of New Castle. The property sits on a bench overlooking the Colorado River with US 6 bordering the site at grade on the south and CR 138 at grade on the east. I-70, further south, it is shielded from view of the property due to steep slopes for most of the distance as it passes the property. The gravel mining operation left the steep, cut-bank slopes on the north and west, effectively shielding the property in both directions. The remaining 54.9 acres of the Gabossi property (Lots 1 & 2) borders the subject site to the north and west, and is proposed to remain as A/R/RD.

Staff comments that the Colorado Revised Statutes (CRS) establish standards of review for rezoning land in the county. The standard used to review a rezoning request depends on whether the proposed rezoning is in compliance with the Comprehensive Plan. If so, the proposed rezoning need only bear a reasonable relationship to the general welfare of the community. Since the Planning Commissioner denied the Comprehensive Plan Amendment request for the property to "Commercial", the property remains delineated as "Outlying Residential." As such, the rezoning request would be in conflict with the Comprehensive Plan. Therefore, the applicant generally needs to show that either 1) an error was made in establishing the current zoning, or 2) there has been a change in the conditions of the neighborhood that supports the requested zone change.

The property's current zoning of A/R/RD was originally established in early 1970's when the area was originally zoned based on uses that existed at the time on the ground. The property is located in a rural residential character located a great distance from any urban/incorporated area. Therefore, staff believes this original zoning of the subject property was NOT done in error. Secondly, the applicant contends that there has been enough change in the conditions of the neighborhood to support the requested zone change

for the following reasons: 1) the adjacent property containing the church was rezoned to C/L; the subject site is flat and more appropriate for commercial development; 3) the subject is located within $\frac{3}{4}$ miles of an interstate interchange; Garfield County's economy needs the specific type of proposed use of mini storage and general office space in this specific location; and 5) the applicants specially proposed commercial project for the site will have minimal impacts. Staff does not agree that the neighborhood has changed enough to warrant a zone change for this property. Fred explained those reasons to the board.

The applicant believes that the adjacent property's C/L zoning designation is enough to constitute a rezoning on the subject property; the applicant asserts that due to the physical manipulation of the subject site regarding denuded vegetation and lack of any topography, it is unworthy of residential development and should be rezoned to C/L based on the highest and best use. Fred explained in his report several more reasons the applicants to argue for their case to change the zoning. Staff notes that the area proposed for rezoning does not have central water and sewer facilities, which would represent a change in circumstances supporting commercial growth. There are also concerns with respect to fire protection. Staff argues that the applicant wants to rezone the property for a specific project which is an illegal concept called "conditional zoning."

Traffic impact – a study performed by the applicant indicate the uses proposed would generate 125 Average Daily Trips. These 125 trips would enter and exit the property from CR 138 because CDOT denied access directly to Highway 6. This in turn escalates the ADT to 191% increase to the intersection. Ultimately, the County remains responsible for funding the improvements to that intersection of CR 138 and Highway 6 if the Board approves this request. This will place a significant burden on the County for funding all improvements to this intersection due to the commercial growth in this location and further indicates the inappropriateness of additional rezoning of property in this area.

Therefore, Staff recommendation for the Zone District Amendment Request is denial of the application for the subject property from A/R/RD to C/L.

John Taufer and Conrad Wagner presented a video presentation to inform the Board of the particulars of this Zone District Amendment.

Exhibit J - on hand representation of the power point presentation was submitted into the record.

The area in question is 6.5 acres but only 4.2 acres is the subject of this request. This property was a gravel pit used for the construction on I-70. Adjacent to the property proposed is the New Creation Church. The Planning Commission approved the rezoning of this property to Commercial Limited by a vote of 3 – 2.

They have two well permits for this portion of the Gabossi property. Other wells on the Gabossi property were drilled and tested. Wastewater – two systems, one domestic and a separate system to handle non-domestic. Therefore, they do not feel they need to be closer to municipality systems. The intended uses on this property are much less than the permitted uses in the C/L. There is tremendous need for property to house uses that are somewhat less intensive, general service – construction yards, office space and mini-storage. They are limited with their wastewater system, and are trying to propose a low water usage in commercial on this property.

Potential tenants – State Patrol, US Wildlife Division, Precision Cut and Design, Mini Storage and Roaring Fork Log Furniture. The Williams property, adjacent to the Gabossi property, has never been put on the market, but it would be prime property for commercial limited. This would be affordable commercial lease space to the West of Glenwood Springs.

Traffic – they did their own and the figures used by Schmueser Gordon Meyer are based on a fairly aggressive development proposal. They anticipate about 125 vehicle trips from this property and do not want to burden the county with additional road improvements. The Gobassi's are willing to negotiate these costs.

Commissioner McCown asked if both lots have access onto CR 138. John stated there is access from one piece of property through the other for access. Also, will this property be deed restricted to – He also called attention to the fact that there are some high impact uses in the commercial development. He reminded the Gobassi's that the special use permit goes with the land and if there was a sell of the property and a new owner, that new owner would be able to use it for something different.

Michael Heffron – responded to the concern – there is a potential already in this land for commercial development and asked what the Board would not want to see on this property that is not already on the ten acres. Chairman Martin said, car repairs, welding, oil and gas storage, and once this would be approved, it would open this up. The ten acres, the old dairy lot is available for commercial development when the trust is sold.

Norman Hanson – property to the east. CR 138 starts and ends there. He asked which end they were proposing to use for the commercial use. His concern is also with the sale of this property. He referenced Routt County and the lack of this type of commercial use. Just because this is flat and ugly does not mean we have to tolerate this for commercial. The other ten acres owned by the Williams Estate being commercial is a surprise and he was not aware of it.

Jamie Roark – Silt – we have to bear the burden of Aspen, Beaver Creek, and we're the slave quarters for them. The difference is how much road you want to travel to get your vending. How can you go ahead and control this under commercial limited. He felt the proposed use would not be inappropriate, easy access to the highway, use during the week, etc.

Uses by right: Fred read from the Zoning Regulations of 1978 as amended.

Chairman Martin stated this property would need to be deed restricted and very much so.

Dennis Brown – experience is in right of way and location – understands the things the Commissioners are bring up. The Church is a good thing, but they don't pay taxes. If you have a small commercial operation, it would offset the cost of road maintenance and offset the loss of taxes from the church. He submitted a news article supporting the use of commercial use. "The cutting edge." When putting in a commercial business, you are dealing with licensing and permits. Therefore, the Board would have some control. Where both the parents and the Gobassi's are living there, what they presented to this Board is realistic.

Exhibit K – News article was admitted.

Jamie Roark – Supports the proposal.

Mary Gobassi – 44532 Highway 6 – thanked the people for helping them develop the property.

John Tauffer – answered the focus on egress and ingress saying that it is the west point to Highway 6. This could be controlled by the tenants.

Chairman Martin noted that not all the people can be guaranteed to use that particular access.

John Tauffer felt they could provide some restrictions on the uses of this particular property.

Chairman Martin noted the use by right opens this up.

Conrad Wagner – felt the zoning wasn't done properly. CDOT has a 50-foot setbacks and the setbacks buffers this up another 50'. Basically, it is leveled off and is weeds. It is not good for agricultural development. It has enough water for 32 single-family homes. But they want to live there and keep the pastures green, etc. He feels it is the best use for this land. As far as serving the general public, this property would serve the general public. He stated it is common knowledge that there isn't any commercial property for rent. They are keeping more open space and want to make it affordable for their business. CR 138 – 120 feet and they agreed to chip seal the road. They would be willing to plow, and put loads of gravel. They are still pursuing access onto Highway 6 & 24 the same as the Church.

Fred Jarman – asked about contract zoning and deed restrictions

If the County were the grantor of the covenants, you grant zoning and they grant you the covenants. The County has no way of enforcing these covenants.

Melissa Gabossi – the area has enough change to rezone the property. She feels it has changed.

Zoning was established in 1970. Trains are running just below the property; semis use the road, and New Castle residents use SH 6 & 24 to get home. Also, the development of the New Creation property and the Williams Property are already zoned commercial.

Norman Hanson – with regards to the entrance and exit, it would be better to use the east end of CR 138.

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

Commissioner McCown – we are only here to hear the zone text amendment. At the time of a Zone Text Approval, are there conditions of approval.

Don DeFord said there are a few cases that do contract zoning, but the reason we have not followed is because conditional zoning is hard to track – then everything becomes their own zone district.

A motion was made by Commissioner McCown to approve the zone district amendment from agricultural/residential/rural density to commercial limited for Rocky and Mary Gabossi based on the change of the surrounding area and the existing uses that abut the property. Commissioner Stowe seconded. Commissioner Stowe stated this is a natural fit, you've got that geographically areas all around it, there's commercial property already there, and it's right next to the highway. It makes a lot of sense. Once you come west of that, as it was pointed out, you're in agricultural property and you can't go east of this site nor north. It is a good use of the land.

Commissioner McCown – agreed it was the greatest and best use for that property. He didn't see it as a rambling ranch area being the bottom of a gravel pit, so it is clearly the best use but he added he is not

totally enthused about provisions and authority to ensure what this will be when it is developed due to the changes in the project on several occasions, but the applicant has attested to today is what he hopes will be the final outcome of this property.

Chairman Martin – very sympathetic - this is the fear he had when this ranch was developed and broken up. Understand, he would like to have the machine shop. The Williams will also look at it. Understands the layout of the property, but doesn't feel this should be used for commercial property.

Vote – McCown – aye; Stowe – aye; Martin – nay.

REQUEST FOR APPROVAL OF A PRELIMINARY PLAN FOR THE LAKE SPRINGS RANCH PUD SUBDIVISION. LOCATION: NEAR SPRING VALLEY AND COLORADO MOUNTAIN COLLEGE. APPLICANT: THE BERKELEY FAMILY PARTNERSHIP, MIRIAM BERKELEY.

Carolyn Dahlgren, Mark Bean, Miriam and Dr. Berkeley, Tom Zancanella, Michael Erion, Ron Liston of Land Design Partnership and Attorney John Schenk for the applicant were present.

Carolyn reviewed the noticing and publication requirements with the applicant and determined they were in order and timely. He advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A – Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Garfield County Subdivision Regulations of 1984, as amended; Exhibit F – Project Information and Staff Comments; Exhibit G – Lake Springs Ranch PUD Preliminary Plan “Application”; Exhibit H – Lake Springs Ranch PUD Preliminary Plan “Supplementary Information”; Exhibit I – Letter from Shannon Pelland, RE-1 School District, dated August 1, 2002; Exhibit J – Memo from Ron Biggers, Glenwood Springs Fire Department, dated June 25, 2002; Exhibit K – Letter from Bill Gavette, Deputy Chief, Carbondale & Rural Fire Protection District, dated September 20, 2002; Exhibit L – Letter from the Office of the State Engineer, Division of Water Resources dated September 20, 2002; Exhibit M – Memo from Kelly Wood, Division of Wildlife dated August 8, 2002; Exhibit N – Letter from Doug Thoe, Garfield County Road and Bridge Department dated October 1, 2002; Exhibit O – Memo from Jim Sears, Garfield County Under sheriff, dated August 5, 2002; Exhibit P – Memo from Steve Anthony, Garfield County Vegetation Management, dated August 8, 2002; Exhibit Q – Letters from TC Wait, Colorado Geological Survey dated July 31, 2002 and September 17, 2002; Exhibit R – Letter from Dean Gordon, SGM/Spring Valley Sanitation District dated September 16, 2002; Exhibit S – Letters from Michael Erion, Resource Engineering, dated August 7, 2002 and September 18, 2002; and Exhibit T – Letter from Tom Smith, Holland & Hart, dated November 5, 2002.

Chairman Martin admitted Exhibits A – T into the record.

Mark stated that this is a request to divide the 441-acre tract into 198 residential lots, with 194 single-family dwellings and 16 multi-family lots. The residential development takes up approximately 256 acres, with 152 acres of open space/common area. The lots range in size from 1.0 to just over 1.5 acres in size. Access is directly off CR 114, via eight different access points, which are all proposed to be 60 ft. right of way, with a 22 ft. wide chip and seal-driving surface. Water is to be provided by a central water supply to be developed by the applicant. Sewage will be treated by the Spring Valley Sanitation District, via a sewage collection system that will transport the wastewater down to the treatment facility located south of the CMC campus.

Site Description: The property is located approximately four (4) miles southeast of Glenwood Springs and on the northwest side of the CMC property. The property is split by CR 114 in a north to south direction and the portion of the property on the west side of CR 114 is split again by CR 119. The area to the west of CR 114 is presently a sod farm, with some areas of sagebrush. The applicant's house and the ranch facilities for the sod farm are all located on the property to the west of CR 114. The area to the east of CR 114 has a pond that is adjacent to the road, with a smaller pond to the northeast and the remainder of the property being unimproved sagebrush land. Mark noted that the open space is what is known as the Sod Farm.

There are geologic conditions that may impact the proposed development. Preliminary plat approval should not be granted until further geologic work and possible lot changes have been made. Specifically, the landslide deposits covering the majority of the site should be evaluated and slope stability analysis, using post-development conditions, should be conducted. Steep slopes should be evaluated for creep and slope stability, and the County engineer should approve the road alignments and grades. The County should evaluate areas of the site that are steeper than 30% grade and consider eliminating lots in these areas. A lot-specific subsurface evaluation should be done to determine fault zones and lots should be

eliminated or modified as necessary. The drainage and narrow ridge near Lot 13 in the north end of Phase 4 may preclude development of that lot. Plat notes should be included that explain the geologic hazards of the site, particularly the requirement for lot-specific stability analysis and the presence of fault zones. Irrigation should be minimized or eliminated to help minimize damage from perched water, swelling soils, and slope movement.

As a result of these comments, the applicant requested a continuance of the original hearing scheduled for August 14th, to this date.

The Lake Springs PUD was originally approved in 1979 by Resolution No. 79-64 and subsequently amended by Resolution No. 79-153. A Preliminary Plan was approved for the project in 1980, but due to a Final Plat not being recorded in a timely manner, The applicant's are required to resubmit a Preliminary Plan application for the project to deal with the current conditions. The present application is consistent with the PUD approved in 1979.

Mark provided the Board with an extensive written report and verbally provided review of the project information and staff comments with respect to Relationship to the Comprehensive Plan, Project Information, Review Agency and Other Comments, Staff Comments, Recommending Findings, and Recommendation.

Road/Access is a concern and today others will address these issues. This includes CR 119, CR 115, and CR 114.

The Planning Commission recommended APPROVAL of the Lake Springs Ranch PUD Subdivision Preliminary Plan, with the following conditions of approval:

1. All representations of the applicant made in the application and at the hearings before the Planning Commission and Board of County Commissioners shall be considered conditions of approval, unless approved otherwise by the Board.
2. As a part of any Final Plat submittal, the applicant shall include an analysis of the traffic impacts of the phase being platted and include at least 50% of that fee at the time of platting and include in the disclosure statements to prospective and new property owners a statement identifying their obligation to pay the remaining 50% at the time of building permit approval.
3. The applicant will provide an appraisal of the property prior to development that is no more than 24 months old, to be used to establish the school site acquisition fee to be paid at the time of final platting of the property.
4. Impact fees shall be paid to the Fire District prior to finalization of the final plat. The applicant shall adhere to the recommendations of the Carbondale and Rural Fire Protection District.
5. The improvements included with the Final Plat will include a revegetation provision for the disturbed areas associated with the improvements for the subdivision, along with security to guarantee that the revegetation has been successful.
6. Approval of the Preliminary Plan requires the developer to complete the platting of all phases within 15 years and the first Final Plat must be recorded within one year of the final approval of the Preliminary Plan.
7. Hepworth-Pawlak Geotech's recommendations shall be followed. Site-specific studies shall be conducted for individual lot development. The need for site-specific studies shall be disclosed in the covenants and on the plat in the form of a plat note. Those recommendations include the following:
 - a. Prospective building owners should be made aware of the potential low risk of evaporate deformation. If the low risk is not acceptable to building owners, it can be reduced by the use of heavily reinforced foundation system preferably without a basement.

- b. It is recommended that buildings not be located within 50 feet of the mapped fault trace unless site specific studies show that a fault is not present or, if present, the fault is not geologically young.
- c. It is recommended that additional subsurface exploration be made in these areas to evaluate the engineering characteristics of the lake deposits.
- d. The recommended foundation system will depend on the site-specific expansion potential. Also, a structural floor system over a crawlspace may be warranted depending on the expansion potential at a specific building site. A site-specific foundation study by the individual lot owners should be conducted for design level recommendations.
- a. More extensive grading should be evaluated on a site-specific basis. As previously recommended, cut and fill should not exceed 10 feet deep and cut and fill slopes should be 2: 1 (horizontal to vertical) or flatter. We should review the proposed grading plans when available and determine if additional subsurface exploration and analysis are needed.
- f. The channel crossing should be designed for the appropriate flood discharge and include provisions for a high sediment concentration flooding. Hydrologic analysis in this area should also consider flood flow velocities and the need for channel erosion stabilization to protect proposed Lots 11, 12 and 13.
- g. Occupied structures should be designed to withstand moderately strong ground shaking with little or no damage and not to collapse under stronger ground shaking. The region is in the Uniform Building Code, Seismic Risk Zone 1.
- 8. Since the applicants have not determined what type of development will occur on the cluster lots, it will be necessary to have the cluster lots subject to Preliminary Plan review, on a lot specific basis.
- 9. Prior to the approval of a final plat, the Plans and Specifications for the drinking water system must be submitted to the Colorado Department of Public Health and Environment, Technical Services Unit, for Capacity Development approval.
- 10. That prior to any final plat approval, the Spring Valley Sanitation district will have to opportunity to review and approve the wastewater collection system plans for the development.
- 11. The following plat notes shall be placed on the final plat:
 - "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 site specific foundation study done by a qualified registered professional engineer in the State of Colorado."
 - "Garfield County has adopted a "Right to Farm" provision in the Garfield County Zoning Resolution in Section 1.08, which states among other things, that "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."
 - "One (1) dog will be allowed for each residential unit on this lot, and the dog shall be required to be confined within the owner's property boundaries. Enforcement provisions shall be developed for allowing the removal of a dog from the area, as a final remedy in worst cases."

“No open hearth solid-fuel fireplaces will be allowed on this lot. 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 shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries.”

12. The following amendments to the covenants need to be amended or added.

- a. Section 8.16, Animals and Pets, needs to be modified to allow for only one (1) dog per household, rather than the two proposed.
 - b. Section 4.3 of the draft covenants should include maintenance of drainage structures.
13. That the Final Plat submitted, include a digital copy of the Final Plat and attached documents on disk, to a standard acceptable to the Garfield County Information Technology Department.
14. The names of the roads within the subdivision will be changed to avoid confusion with other county roads for safety purposes.
15. The applicant shall make application to the Colorado Department of Transportation pursuant to Section 12 (b) of the State
16. Prior to approval of the Board of County Commissioners, the applicant will explore options to the existing road access points to the County Road to resolve potential safety issues.
17. Add – Highway 82

The Planning Commission recommended **Approval** of the Lake Springs Ranch PUD Subdivision Preliminary Plan, with the following conditions of approval:

John Schenk – Representing the Berkley Family Trust, Ron Liston the Planner, Tom Zancanella; and Derek Walter – Civil Engineer were present. The absence of a waste water system was the reason this proposal did not move forward in 1979. This problem has been solved with the development of the Spring Valley Sanitation District. All conditions are acceptable.

Discussion continued with respect to Exhibit T that was submitted – conditions imposed on Spring Valley saying this process is handled by C-DOT. Condition No. 16 – this has been explored and an agreement in text has been reached. John stated this enhances the development proposal.

Exhibit U – was admitted into the record – dealing with County Road 114 clear to Highway 82.

There are 14 separate access points. The grade as presently shown. Access points from individual lots will be prohibited; utilities and street utilities; 80' including driving lanes, ditch lanes, right of way, accept as proper conditions for this design. At final construction time, discussion will be held to implement berms and landscaping. Nothing excludes the Berkley's from improvements to CR 114 in phases. Sp Valley is required to improve CR 114; to the extent requirements for Berkley's. Lake Springs and Sp Valley will cooperate to deal with this road improvement project. This project will increase safety and access to Spring Valley. #3 is well monitoring. In 2000, Sp Valley, arrangement to enter into a well monitoring agreement, this will be shared with the Basalt Water Conservancy District – will share information with well capacity, well usage, if there are problems. Exhibit A – memo, which says this and enables individuals to a cooperative water sharing program.

No. 13 – and No. 4 – addresses this point. They agree to work with Carbondale Fire and the Spring Valley Fire District required for Spring Valley Chenoa project.

Chairman Martin – this is not a rural fire district – boundaries are set. The Berkley's would have to petition to the Fire District.

John Schenk – they agree to be part of the solution.

Public Input

Attorney Boots Ferguson, Holland and Hart representing Spring Valley Development, with the project team, were present in support of the application. Because the discussions were significant in the first preliminary hearing to address safety issues and then other mutual issues arose, Exhibit U, as submitted is the result of some fine engineering work that the two entities worked together on and today, he would encourage the Board to approve this request. As part of the Spring Valley Development, the standards as

approved with CR 114 were in compliance with the Ashton Standards and all engineering has to be approved by the County Engineering Department.

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

A motion was made by Commissioner Stowe, seconded by Commissioner McCown to fine tune these agreements, and recommended postponing the decision until next week.

Commissioner Stowe said he is satisfied with the conditions and would like to continue this decision until 10:15 a.m. on November 18. If there are issues, the Public Hearing can be reopened. Motion carried.

Space Issue Work Session for Wednesday, November 14

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until November 14, 2002 at 9:00 A.M.; motion carried.

Attest:

Chairman of the Board

NOVEMBER 14, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:00 A.M. on Thursday, November 14, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren, Mildred Alsdorf Clerk & Recorder and Court Officials Jim Bradford, Gretchen

CALL TO ORDER

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

SPACE IN COURTHOUSE

Jesse confirmed we have \$30,000 left in the Capital Fund this year that was allocated for the Courthouse Plaza; this can be used for some of the proposed remodeling for the Courthouse. In the 2003 budget, \$211,000 has been allocated and related to painting, carpeting, etc.

First Floor – Courthouse

A consensus was made in a previous meeting to move forward with the necessary remodeling for Corrections on the first floor and Probation on the fourth floor.

Corrections should be done by the first of the year.

Chuck explained the space – the Clerk and Recorder will not be using any space on the first floor. The storage area and the vault she is currently using will be vacated.

The old area for Healthy Beginnings will be the new Corrections space.

The Clerk & Recorder would use the space currently housing Legal Services for storage of ballot boxes and equipment for election.

Legal Services would be moving into a portion along the south side where Building and Planning vacated.

Second Floor

The Treasurer would move to the space vacated by the Public Health Nurse. The Vault can either be moved or stay where it is. This is 5,000 square feet, a little smaller than what she has now.

The Clerk & Recorder wants additional space and since the Treasurer is moving, that space would be available. Mildred indicated that she wanted all that space. She can use it for Recording and Election.

Commissioner McCown suggested leaving the break room as is and expand Mildred's space into Rob's old space.

The server should stay where it is at present.

The Cost for first floor is estimated at \$10,000 out of the \$30,000 leaving \$20,000.

It was decided that the Treasurer's move and remodel would consume close to if not all of the \$20,000 – this includes new carpet and paint. The remodel should be completed by the end of December 2002.

Old Communication Space – 2nd floor

Jim Bradford – the Courts have used this space since the jail staff moved. This space is adequate for storage on the second floor.

Commissioner Stowe commented that Mildred has not expanded her space for many years and therefore favored her having the additional area.

The Room used by Nurses, small separate office across from the Clerk's Motor Vehicle area, would be used for the postage machine.

Mildred will be happy with new carpet and paint in the 2003. The ballot boxes could be in the 3rd floor legal services space.

Mail Room/lunch room left as is.

First Floor

Dale Hancock said there is one closet next to the elevator on the first floor that could be converted for storage. We were allowing the Parole Department to use it for check-ins.

Jim Bradford said that room is marked as a Conference Room and Parole is now using my First Appearance Room so Parole is not using that room anymore, however it is used on a very regular basis as a Conference Room for the attorneys at the County Court level to meet with their clients in a private space.

Third Floor

Space vacated includes the Building and Planning –County Attorney's and Administration. Community Corrections will be moving to first floor and that additional space is available for allocation.

The Commissioner's old meeting room space is being used for Juvenile hearings The County Attorney's old space where the Library and Conference Table was located has been taken over by the District Attorney.

Chuck explained the proposed changes – previously decided was that Legal Services would move to the South wall portion of the old Building and Planning space; Legal Services area would be used for the Clerk & Recorder's storage of election supplies.

Part of the discussion Chuck said he's had with some – Jim Bradford specifically, is that the Commissioners' old meeting area is being used as a Juvenile Court. It is not used at all times and seems to be very congenial – just coordinate the timing and during elections, that area is certainly available. Other meetings when there is not a court scheduled hearing – it's a multi-purpose area. If that is used as a courtroom then there's a question about having access to this courtroom via the elevator, which currently does not open. The necessity of a jury room, there is a room, which was the law library, there are toilets adjacent to that and we would need to have toilets adjacent to that room. That currently has been taken over by the District Attorney. If we take that area over and we do provide access on that floor, then we need to give the District Attorney some area in the Community Corrections space to make up for that loss. That limits the amount that we have open, but there is still some open area in Community Corrections.

Jim Bradford said the State is proposing budget cuts, an additional 6%; what impact this may have we do not know as yet. The docket will still be there, we just wouldn't have that person under that Juvenile Contract and would have to be taken up by the current judges we have now. One of the things that we will be utilizing more and more is the Senior Judge Program, which we have been using now, bringing in judges that will travel to areas when we get in these crunches. And this next week, I have need for five courtrooms and I don't have five courtrooms but we're making that happen and we are beginning to use that new courtroom on a much more regular basis. I have Mediators using it, I have family court facilitator using it, and I have our legal research attorney using it as a special master on pro-se divorce cases - it is actually used as a hearing room. We have it set up with a computer, recording device and microphones, which does roll away and out of that room and allow Mildred to use it for elections. This has been working real well and we're working real well together on utilizing that room for multi-purpose uses. But we don't see any of our dockets going away, we just have to manpower differently.

Dale asked if Jim sees the Mediators going away and some of the other staff as being a part of the 6%.

Jim responded that Mediators are a contract service and not part of my budget so I can't speak to that, I hope that they don't as they provide a vital service to the Courts and takes some things away from the judges as far as doing that kind of work and coming to resolution on divorce cases, etc. rather than doing it in open court. Family court facilitator that is a funded full-time position – I don't have any word yet; there is a Chief Judges Statewide Meeting this Friday, November 15 in Denver and information will be available to us next week. It depends upon what information from the Governor is given to the Chief Justice Markley. We have our fingers crossed that we are not going to lose any programs or any personnel because we are taking mandatory furlough days right now, we have covered 4% of the 10, now we're looking at another 6% and past history for the State is not to layoff people. What they do is furloughs and find other ways, we have end of year budgets that we used to call our wish list that I have purchased furniture for that courtroom with this last budget year that would go back into the fund. As far as not spending we have given up our wish list for several years to come now, as far as special things, etc. And so we are hoping to be able to take care of the budget without losing people is the bottom line.

Lawson Wills, Assistant District Attorney and Gretchen Larson, Chief Deputy. Mac Myers is going to be here also, but could not make it today and he's also very interested and we're very concerned about what this plan entails. I guess first of all I would point out – nobody's contacted us about this.

Chuck – I talked with Sylvia and she said she was talking for Mac Meyers.

Lawson – we didn't know anything about this meeting until recently, it was, this is all a surprise to us. And so we're a little taken-a-back that there is a plan to reduce our space and we've not even been informed nor have we been consulted. That said, I do want to go back and talk about some history. What we're talking about here is a break room and two private offices within our space that are at risk. We have approximately 26 employees, in addition to that we've got two part-time employees. Historically, we have had very little space, we have been on top of each other. For the ten years that I've been around, I can remember being in the conference room having to work and being on the telephone with somebody eating their lunch next to me. That is the way we have lived for quite some time. When the new space opened up, it was a joy. Part of what was going on, is with us being on top of each other for so many years that affected our ability to hold people. It affected our turnover, our morale, it affected personnel issues significantly. But we always had this carrot at the end that we were going to have some space and that things were going to be better. And that did turn out and it's turned out just over the last 3 – 6 months. The paint isn't even dry on our new space now – we have everybody situated and now we come to a meeting and we find out that there's at

least some talk about taking it back. We typically hire people that are not paid a whole lot of money. The people that we hired can't afford to go out to lunch. These people have never had a break room before. Now they've got it and it's being used. These people work very hard and are paid low salaries and I think we need to provide them at least a decent place to work. The problem here, and I'm not anxious to get into a battle with Judge Ossola or with the judicial department about what their needs are, but we're talking about space that right now is utilized 5 days a week, 10 hours a day. He would like this space to hold juveniles next to this new juvenile court room he's going to use. Apparently, there's been a mandate that came down from Chief Justice and it's not a law, it's just a mandate and it says we'd like to have more family oriented juvenile court rooms and that's what the old County Commissioner room is – it does fill that need. But typically over the last few years, we have had the juvenile court room up in one of the courtrooms upstairs. We've got three court rooms upstairs; we've got one downstairs – four court rooms. There're used on and off throughout the week, but we're talking about space where people are there 8 – 10 hours a day, 5 days a week and on weekends. The juvenile, uh, the requirement of holding a juvenile next to that court room – that's nice, that's great, but let's face it, it's going to be used 3 days a month. We have juvenile court 3 days a month. If you're comparing the need for the space, based on utilization and making priorities based on that, we win hands down, hands down. He's talked about a jury room back there. Most juveniles don't have a right to a jury trial. Maybe 5% or less and at that point it's sent to the District Court anyway and it needs to go upstairs and the jury's room can be up there. Those 3 days a month, there are holding cells for these juveniles and we have used, the once we use now, on the 4th floor. So what we're talking about is the convenience of bringing the juveniles from the 4th floor that are in custody to the 3rd floor – and we're talking an average of maybe 6 juveniles that are in custody, they're typically not real violent, I mean, they're juveniles. We're talking about drug problems, we're talking about runaways, and we're talking about that kind of thing. We're not talking about you know real violent crimes. But the need for this is based upon the security of walking these 6 juveniles 3 days a month from the 4th floor to the 3rd floor. And you guys compare with us losing 2 private offices and a break room. So, we're pretty upset about what's going on here; we're pretty upset we haven't been contacted. We think – we are going to have future need and we this kind of blocks the ability for us to expand; we do expect to grow over the next few years – that's life. We don't know what plans, obviously we're interested in the Community Corrections space that's there. That has, the access to that is through a conference room right now, so there is some access problems there and a conference room may or may not have to be moved. But, there are a of problems in us utilizing the Community Corrections, but that's about all that is available. We would like our future needs to be thought about and a consideration so that we are not forced to move out of the Courthouse. It's important for us to be in the Courthouse. We have the same amount of files that Jim Bradford has downstairs and I tell there are files everywhere. We've got to keep those files, we now have some stacks to put them in, the office is reasonably organized, and it doesn't flow well frankly. It's not real congruent but we are thrilled to have it right now. It has made a considerable difference in our personnel issues and we are not anxious to lose any of it. The private offices that are at risk right now with this plan, are two private offices that Victim/Witness people – it's important that they have private offices, so the victims can meet privately, shut doors and talk about the different cases. It's important for us to have the conference rooms, they are used not only as a war room for attorneys, but they're also used for families of victims that we put in there while they are waiting, the times to testify at trial or between trial. But we have, it may look like a lot of space, but we don't have a lot of space. And I invite any of you to walk through at any time and look. We are just now getting the kind of space that we need and we're really not anxious to lose any of it.

Chuck Brenner – I'll like to respond to that, first of all I'm upset that you are saying I have not talked with Mac Meyers, because I have talked with Mac Meyers. The second is, I'm looking at moving space around, not taking space away. This area on the plan is space that you've gained fairly recently and I recognize that you have. We've moved the Community Corrections out of that space making all of this space available. I've taken the area that you have here and moved it here. I did that for a reason. If we do have a jury room, we need to have plumbing to that jury room. We have to have toilets, toilets exist right here, right now. There maybe some additional work that needs to be done. If I just say, okay, you have that space at this point, we can do that jury room right here, the cost of moving toilets and putting toilets in, when they already exist there, is considerably more expensive. So I'm looking out for the County's dollars in making this trade. Yes, you have some rooms here but you'll note you have no outside windows in this space. So in taking this space down here, you still do not have outside windows. You still have the potential of your offices that you need. Plus, you have the potential for more space in the future should the County decide

what to do with that. When I did talk with Mac Meyers, he said that he did not need additional space, probably for 4 – 5 years and what I've given you is no less than what you have now.

Lawson – in response, again that jury room, juveniles don't have a right to a jury trial, there's no need for jury room there, there never will be.

Gretchen Larson – District Attorney's Office and the attorney that handles the juvenile cases– to site the cases where juveniles are entitled to a jury trial are Class I, Class II felonies – those are murders and kidnappings. If you have a juvenile murdering someone, you're looking at a situation where he is probably going to be direct filed on this as an adult which kicks that case up to District Court anyway. Or Class III felonies, sex assaults, and the same situation. If a juvenile pleads not guilty in front of Judge Carter, Judge Carter by law cannot hear to trial, it goes back to Judge Craven or Judge Ossola for the jury trial, so that then opens up the jury rooms that Judge Ossola and Judge Craven would already be using anyway. So there's no necessity for a jury room on the 3rd floor specifically for juveniles. You're talking about a situation where we have a break room, we also have a sink and refrigerator. Now I don't see anywhere on that where you're giving us space where there's plumbing so that we could have a sink and a refrigerator. It may seem innocuous to you but it's really important to be able to wash out your dishes when you're eating lunch in a break room everyday. People bring food to the office, we try to have potluck lunches to boost employee morale – we need just a sink. I don't know if there's any area where you can reconfigure for that, but it sounds like plumbing is really expensive. We would like to be able to keep our break room and our refrigerator and our sink, if not to at least flip the sink and refrigerator into the break room and re-plumb is so it could go through into that space. We haven't even addressed the cost of breaking through that elevator onto the 3rd floor and I don't know what that cost is, but I've heard that's over \$50,000. When you're talking about a \$50,000 expenditure to transport a couple of juveniles that are usually in the Criminal Justice system because they've been violating their probation, as Lawson said, they're running away from home, they're on drugs and they're in detention to kind of give them a wake-up call and get them back on track. These are not juveniles that have been committed to the Division of Youth Corrections, these are juveniles that are pre-adjudication. To hold them for whatever time period to bring them down to the juvenile court, whereas they could be held on the 4th floor and then brought back down by deputies.

Chuck – I appreciate the comment there. I'd like Jim to respond because Jim's the one that told me that you needed to have that access.

Jim Bradford – first of all, I'll like to make a little clarification. You, Mr. Brenner, said that Sylvia spoke to Mac Meyer

Chuck – No, I talked directly with Mac Meyer. I just wanted to make sure –

Jim – The District Attorney's office knew that Sylvia Olson, Administrator was not speaking for Mac Meyers. The transportation issue when it comes to juveniles in custody, is more of the Sheriff's issue than it the Court's issue. The Sheriff's Department at a meeting we all attended, spoke very very clearly on the fact that this is a very dangerous situation bringing kids down that narrow stairway or any public area, health issues – falling down and that kind of thing – security issues, and I believe, if I remember correctly, Sheriff Dalessandri, sat in that room and described the juveniles as his most dangerous group of people – you just never know what they're going to do. So, that was the issue that was raised for access to the 3rd floor. I agree with the District Attorney's Office, juvenile delinquency cases don't need a jury room that often, we do here dependency and neglect cases in there, we do hear pro-se divorce cases in there, again, mediation is used in their family court, facilitators are used in there, and that room as my other jury rooms are used on a very regular basis for depositions and other meeting that I give up for free. Those are the reasons I wanted that space. Now, I understand what the District Attorney's Office is saying, and I don't stand here and wish to argue with them on that, as I agree they need space. If there is a way that we can find to get the juveniles safely into that courtroom, I can utilize 302 or 305 as a back-up jury room if I had to. It won't work great, because I don't have restrooms and I need that. As their growing, you know that we're growing and I don't know what else to say but I run into situations on a regular basis where I don't have enough space; I've got judges doing things in Chambers that they should only be doing in the courtrooms. I've utilized Room 402 as a hearing room, I've lent is out administrative law judges for workman's issues and that's where I stand.

Commissioner McCown – if you were all sitting here when we went through the first floor, second floor and that involved County elected officials, the minute we got to the 3rd floor and starting dealing with State entities, we hit a snag. You're setting in a \$4.6 million dollar building that was driven by the needs of State entities, forcing the County to build this building. Now you're quasi District Attorney, State entity and your Courts are sitting here whining over a break room. As I said earlier, break rooms are not required facilities.

You are very fortunate that you have that. I see an answer to the problem by simply making this area where the sink is now, a common area. This could still be your secured area for your jury room, this could be the District Attorney's room – end of situation. You can wash out your dishes after you have warm and fuzzy dinners. But break rooms are not required – they are a luxury that we're afforded by having the available space. The first thing that's going to go away is a break room when offices are needed.

Lawson – And I don't disagree with that, but what we're talking about is two private offices and a break room here. What really I think, stands out here, is that this plan takes the break room and two private offices, provides the right space for the potential expanding but does not replace the two offices or the break room. There's nothing, this was just taken from us, again, I talked to Mac Meyers before he left Friday and he was unaware of any of this. I've got an email in front of me from him that says he learned this from Jim Bradford in late October that this was going on. But we have that room, I don't disagree with you that a break room is a luxury, but it isn't, again we're talking about people that eat lunch in, and we're talking about people eating lunch while in the same room where other people are on the telephone. If we're going to keep the kind of employees that we've had the luck to keep over the last few months, we've got to treat them humanly and a break room for a jury room, we're not talking about any palace facility – we're talking about a place that they can sit down and eat their lunch.

Chuck – How long have you been in the Courthouse?

Lawson – I've been in the DA's office for 10 years.

Chuck – When did you acquire your first break room?

Lawson – About 3 months ago.

Chuck – You survived for 9 ¾ months without one.

Lawson – Yeah, we survived and I think most of the Commissioners have been in our office over the last 10 years and will tell you that it was far less than adequate. And I don't want to paint that we are inflexible, because we are flexible and I think, if we can sit down, we can work this problem out. I think Mr. McCown is absolutely right, but we haven't been consulted.

Commissioner Stowe – I like Larry's idea. You still retain these two offices, you've got a common area here, like that's your jury room, if you need to, put a break room in here or something, let's do it right now and you've got it.

Gretchen – Well, one other thing

Chuck – Let me explain what the plumbing requirement, if I'm putting two toilets in, I've got plumbing that goes into floor space. If I'm putting a break room and a sink in and say that we move it into this area of something (referring to the Community Corrections space to be vacated), that's not nearly as much work as it is ...

Commissioner Stowe – discussion – many talking –

Gretchen – I don't see anyone from the Sheriff's department here to and if that's a common space, that's fine, that sound like a reasonable solution. Has anyone spoken with the Sheriff's office about their concerns about having an additional stop on the elevator between the 1st and 4th floor.

Chuck – I've not talked with the Sheriff's office about that.

Dale Hancock – We did, we had a meeting with the Sheriff and the Chief Judge present and the District Attorney present.

Chairman Martin – Which was held right in this same room.

Dale – The Chairman of the Board of Commissioners was present.

Gretchen – Because you do create an additional security situation when you have adults, the adult prisoners that are transported on that elevator and they are transported every week, one, twice a week, going up and down and you have that additional stop on the 3rd floor. That always creates an additional security concern. I am not here for the Sheriff's office and it sounds like you have addressed that with them but that is something to consider.

Chuck – I've got to say I'm not going to recommend or the other, what I'm hearing from one department is we want access on the 3rd floor, from another department I'm hearing we don't want access on the 3rd floor and that's something you folks are going to have to come to a conclusion.

Chairman Martin – We're going to have to either decide that we're going to punch a hole in there and spend anywhere, you knows how much, plus with the secured room in there, it has to be secured room, Chuck agreed

Chairman Martin – because of Gretchen's concerns. That was a very expensive...

Dale – The expensive part is that we have no idea with the change of the office what the new Sheriff wants for security requirements. It seems reasonable to involve him in the discussions.

Chairman Martin – That's one of the issues we do have. It's in-between.

Commissioner McCown – That outburst that you gave us initially for the work on the 3rd floor, the Legal Services Office space going – I'm not sure, Mildred is that convenient for you to have that one little isolated block of storage on the 3rd floor.

Mildred – no, the only thing is my voting machine and it could go, we'll see with the new space, I can put it down there.

Commissioner McCown – We addressed the \$38,000 for the juvenile court in the former County Commissioner Chamber, did we address any of these proposed new

Cost on 3rd floor

Space for the DA and Courts – 3rd floor

Commissioner McCown – We addressed the \$38,000 for the juvenile court in the former County Commissioner Chamber, did we address any of these proposed new spot for the District Attorney, and the Court and the Jury room.

Chuck – generally that is what this addressed – the entire \$38,000. Actually there's not cost involved with this – it's all in

Commissioner McCown – if we follow the recommendation that Walt and I suggested, that the hallway area as we knew it, where the sink and refrigerator was, if that remains a common area for washing dishes or whatever, the Courts can wash their dishes, DA can wash their dishes, the DA get the two rooms that you've indicated shaded in blue, and under the current situation if they need a break room, utilize this one where Community Corrections is leaving.

Chuck – this common corridor just remains.

Commissioner McCown – the existing on your revised would stay white, where Community Corrections is, if they need a break room, utilize one of these as a break room until it becomes necessary for additional office space. I think that will satisfy their needs and we'll give them an area where they can access the refrigerator and sink, if what I'm hearing is right, we don't have a hole in the wall to get the prisoners off on the 3rd floor anyway, we will leave the courts the jury room, the ex-conference room for the County Attorney.

Dale – there was a discussion where the Chair was also present, where the Courts major decision, it was a required separation between the Courts and the District Attorney's office which resulted in our leaving that door between the old Commissioner's chambers and the back entrance to the County Attorney's as that physical separation because the Court had expressed that that was a requirement.

Jim Bradford – the area we're calling common area, showing the sink and the refrigerator, just before that color turns into the court color there, the Courts stance on that would be I believe, as long as we were able to, in those times we needed to transport the juveniles that are in custody through that hallway and then close the door, it wouldn't be common area other than at that time, we wouldn't use the break area. The court's personnel wouldn't because we can't intermingle with them. Make sure that separation is there and all we're asking for is if that happens and this is what's approved, is just to coordinate with the DA's office to allow us access through there briefly for prisoners back and forth.

Commissioner McCown – how are you going to get them off the elevator?

Jim – once the elevator is re-designed,

Commissioner McCown – that may not be redesigned Jim.

Jim – that's all based on it being redesigned, if it get redesigned then this whole configuration is moot.

Lawson – if we could all sit down and go through this, I think we can make it work. The space is there, I don't know if the elevator is going to work or not, but we would just like the chance to sit down, we don't want to lose the two private offices and the break room – it's there, we just need to sit down and work with them.

Chairman Martin – I think there's a breakdown because I sat down with Mac on three different occasions and before he left he told me that Gretchen was going to be here to represent his point of views. We looked at these, he's also getting information back and forth – repeating exactly what he said. Don't lose the spaces over there, they fought a long time to get them. I'm aware of that, but we need to clean it up, we need to make it flow. I've been in your office many many times over the last 25 years, once it was over at the old jail where you had two rooms, the other time it was over here at the Citizens Bank Building, so you've been in different locations, this is the biggest you've ever had in my recollection of almost 30 years. So let's make it flow, let's find that formula, I think that the commons area or the area that is being emptied out is our key and we need to work on that. Jim has his concerns, and the other thing that I look at is, on that first floor where the water court is for juveniles.

First Floor – Water Court Space

Chairman Martin suggested using this area for the Juvenile Court – elevator available, adjacent to the court administration. Then, move the Water Court to 3rd floor in the old Commissioner's meeting room now known as the common space. A plea was made to sit down and work together.

Martin stated that the Commissioners must take care of the elected officials first as they are there everyday utilizing space; the courts are second. He remarked that Probations need space too.

Probations – 4th Floor

Dale Hancock added that this is a new discussion and from previous recommendations of this Board, the direction was to use the 4th floor to the highest and best use. It will cost approximately \$7,000 for engineers before the hammer is used.

COURTS

Commissioner McCown recommended that Chuck sit down and discuss the problem that Jim is concerned about, the adequate space that the DA is concerned about, and the dollars we have to do it with and those three have to mesh. He suggested that Chuck set up a meeting as soon as possible with Jim and Mac, you set down and come back to us as soon as possible next week with what you've decided on and some numbers on what it's going to cost the County and then the Board will see if it can happen or not. Lou Vallario, the Sheriff elect should be involved in this discussion as well.

Gretchen liked the idea of the first floor for the juvenile court; they do not meet the same days as adult courts. It would be very convenient for the sheriff as well.

The murder trials, sexual offender cases, or similar cases would be moved to District Court before Judge Ossola or Judge Craven and the juvenile would more than likely be charged and tried as an adult. If they are using their jury room for a juvenile case, they cannot be hearing an adult case at the same time.

Gretchen said it did not matter to her which floor she has to go to for the juvenile cases. The arraignment room is there and provides a lot of space for juveniles to wait until their case is called, if that is something the judges are interested in doing as well.

Jim Bradford can take these suggestions to the Chief Justice and to the District Administrator Olson; Jim noted that she would be here next Wed. and Thursday. Jim will be gone all next week but will make her aware of what is taking place. She is probably more appropriate to meet with anyway. Jim stated he would make time available on her calendar for the meeting; it was scheduled for Thursday. She has the set of the drawings, so Jim can fax her the revision suggestions on the first floor and discuss these with her over the telephone in advance.

First Floor Proposal

Chairman Martin – instead of using the 3rd floor for the family juvenile court is to move it to the 1st floor, utilize that space, and with the hearing room, reorganize where we put the Water Judge and his hearing room. That is so much easier. At that point, revamp it so it works for that type of a multi-purpose that you can use it for more than one thing like you do the old Commissioners meeting room space; but to put the priority on this juvenile family friendly hearing room. Your clerks are there, you are checking in, the family's there, etc. and they just go across the hallway on the 1st floor. The elevator is there as well.

Lawson said this also serves the purpose of separating the DA and the Judicial Branch. There cannot even be an appearance that these are missed together.

Jim Bradford said you might have a misunderstanding of what is being used for now where the old law library used to stand. Right now it's, a portion of it, 3/5th of it is the First Appearance Room which, 2 days a week, the DA use that space to confer with the offences the County Court level and then go into the County Courtroom. It is also used for Parole and many other people for space for a meeting room. On the other side of that wall, where the law library was most recently and is totally gone now, is where the Clerks of the Water Court are housed, their work stations and their files are currently being housed. The Water Court

does not do any real business in the Courtroom that often. It is almost like 2% of the Water Referees job is in the Courtroom, it is 98% in his Chambers. So there isn't really Water Court business happening that much. Chambers.

Chairman Martin said he was aware of the layout and he was also looking at the training room where Human Resources is currently using and to convert that to that particular use instead of leaving it open just as a training room on 1st floor. This training room could be relocated.

Dale said the Human Resources want to leave the training room as it is. That being said, when Chuck went to the 3rd floor and advocating putting Legal Services in the south section that used to be occupied by Mark Bean and two planners, on the east/west corridor, that leaves the north/south part of the Building and Planning Department open. Originally, we thought that would be a better place to situate United Way, Affordable Housing, etc. However, if the bigger issue would be Courts, then if we could move all of that Water Court function or whatever into those three (3) offices on the 3rd floor and have that space dedicated to juveniles on the 1st floor, then we have compromised that issue then.

Chairman Martin – we will continue the workshop, the thought process, and maybe we can come to a solution and keep the budget down. There's not that much cost in remodeling for the Water Court going on up there on 3rd floor.

Jim Bradford – I guess the first thing that comes to mind is that it's imperative that all of my files, whether they be Water or Criminal or Civil, remain in one location because I have one front counter where people come to look at, check out, make copies of files. It would be difficult at best to send people to another location for files or for my people to have to run up to the 3rd floor to get a Water Court file for someone or I'd have to actually staff another reception type area and build a reception area that would have to include cashiers, to pay for different things as far as filing go, as far as copies being made, searches being made, certifications being done, I'd have to split my operations into two different areas – one for water with a cashier with files and everything and have people moving back and forth on two different floors on a very regular basis. That's the first thing that comes to mind and from a management point of view, not having those people where he can see them is another issue and that's just by the seat of my pants in the last 30 seconds.

Ed Green – if we were to move the training room someplace else, would that meet your needs as far as juvenile issues?

Jim Bradford – you're talking about the training room that Human Resources is currently using kind across the hall from where Community Corrections is going to be? Yes. Again, I keep talking about it, but it's really a Sheriff's issue, but there is a getting in custody, juveniles or prisoners into that room, and it will be a issue for the Sheriff's Department, I presume.

Ed Green – well we heard it's not as big a problem on the 1st floor as it is on the 3rd floor, correct?

Jim Bradford – there is secured elevator access to the 1st floor however, getting from that elevator door to that training room, there is – it's a public hallway.

Dale said it is 46 steps give or take.

Commissioner McCown – where is that elevator coming up on the 1st floor?

Jim Bradford – shown on map.

Commissioner McCown – what is that space around that being utilized for?

Chuck Brenner – this is a holding room right here and then a hallway that just gets you from the elevator to that holding area before you get to a door that takes you out to one of the Courts.

Commissioner McCown – any activity that takes place off that has to come into this hallway, of course, it's a secured area, and I realize that. But none of these rooms could be used as a juvenile court that you currently have on the first floor?

Jim Bradford – currently I have a jury deliberation room which is that corner one where the – it's between B and C, between C and D on that, it's the Judge's Chambers – currently Judge Zerbi's Chambers, it's going to be Judge Metzler's Chambers, and then on the other side of the elevator between B and D is County Courtroom.

Dale asked if scheduling would allow that County Courtroom to serve as a dual purpose one as County Court on one series of days and Juvenile Court on another series of days?

Commissioner McCown – three days a month I hear juveniles are being heard.

Gretchen – that problem is right now is that Judge Zerbi has his arraignment days on Mondays and Thursdays; Tuesdays are his jury trial days; so every Tuesday of the month if there a County Court Jury Trial, it's on a Tuesday. Juvenile Court meets Tuesday afternoons so at this point that wouldn't work. Right now I understand that Judge Carter, who's under contract to do the juvenile court system, that will remain

in place until July 1, 2003. Now if at that time his contract is not renewed by the State, then there might be an issue about changing the dates that juveniles meet, but we can't count on that so right now, there's no way to do it because that Courtroom has to be available to Judge Zerbi for jury trials and Judge Metzler. Commissioner McCown – it's a scheduling thing.

Gretchen agreed it is a scheduling thing; the problem is that Judge Carter's arraignment day in Rifle is on a Wednesday, all the County Court people go to Rifle County Court on Wednesday, he has jury trials on Thursdays and then he has court hearings that are not jury trials every other Friday. So, it is a scheduling matter but that would be something that would have to be discussed with Judge Carter because I think he's just a part-time judge.

Lawson – I also think part of Judicial is looking for is the family friendly room in your ex-County Commissioner Room fit that pretty well. They didn't want a standard looking Courtroom.

Commissioner McCown – trying to understand why we need the high level of security for a juvenile individual that's going to be brought into the family friendly room. We are not talking about the same type of individuals.

Lawson – anybody that has done anything significant is going to be up in adult court.

Commissioner McCown – and we have secured facilities for that. I'm not seeing, I know the meeting that took place, but I don't see the individual that is being charged as an adult charged with murder being brought into this friendly atmosphere open environment courtroom where the Commissioner's Chambers used to be.

Jim Bradford – the Courts do not argue that point, I just brought up what was mentioned in that meeting and the Sheriff's addressing that.

Commissioner McCown – I know, we're not shooting the postman, but

Chairman Martin – that a three-way conversation we have to have....

Commissioner McCown – this will need to be very delicately handled because we have a lame duck sheriff, do we discuss with him and place his wishes in with a new sheriff coming on board January 14th who may not share those same wishes. Do we talk to the new sheriff and you serve the existing authority of the current sheriff and really make him angry and go that route.

Dale Hancock – and then take it one step further, you got a lame duck County Court Judge, nobody has talked to the new County Court Judge to see what his wants are in this whole deal. Right.

Gretchen – and there's always that possibility that Judge Metzler may be scheduling already, but I doubt it – things have been going the same way for so long, probably difficult to do.

Change is good.

Jim Bradford – I can speak to that, there has been a scheduling change and Civil Day has been moved from Wednesday, which is an all day Wednesday, to Fridays, which allows Tuesdays and Wednesdays to be jury trial days because there's an anticipation that Judge Metzler's docket may be able to get criminal jury trials in a one-day time like Judge Zerbi can do with a stop watch. We're dealing two days to jury trials, Tuesdays and Wednesdays for Judge Metzler. So, that schedule change has already happened and is in place.

Commissioner McCown – I don't there is any need to go further with this discussion on the 3rd and 4th floor until you guys have your meeting. I can allocate the space and we can move forward with the budget, but nobody is going to be happy.

Probation

There are some serious security issues – needs improvements and is a high priority.

Dale commented that this was the consensus following the meeting, that 4th floor and one the things that continues to bother me as I was thinking this morning, when you go from the 3rd floor which used to be the Commissioners' meeting room, up that back stairway there into the 4th floor, if you're a bad guy you can just blind side and sneak into the Probation Department, at least on the left side that's unsecured and go bonkers if you choose to. There's needs to be better thoughts for security for the probation folks, it's really terrible right now. Dale said we could gain 4,000 sq. feet by optimizing the space on fourth floor. A suggestion of some type of panic hardware on the down side and not having it accessed because you still have two stairways that are at the east and the center of the building that would put you into a big public hallway on the 4th floor and not comprise your security access to probation.

Jim said he could not speak to his issues but was happy with the new proposed space allocations and remodeling.

The Board agreed that we could proceed with the 4th floor.

3rd floor issues will be discussed and brought back to the Commissioners for budget
Commissioner McCown – \$58,700 to give probation what they needs plus \$15,000 = \$75,000
Chairman Martin asked if Georgia was happy to have windows and assured her it was going to happen.
Also, he suggested to Mildred that she do upgrades on equipment and furniture.
\$5500 was set aside for Legal Services remodel.
\$20,000 allocated to relocate Georgia.
Mildred will get new paint, carpet, etc. in the 2003 budget.

Georgia very happy

Upgrade on equipment, furniture –

\$5500 for legal services

Commissioner McCown stated if all else fails, we could hire a deputy sheriff to handle these security issues for juveniles.

The First Appearance room was a Zerbi issue

Paul Metzler – new judge may have a different perspective

Executive Session – Taughenbaugh Building – Information - Contract

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the Taughenbaugh Building space issue; carried.

Don, Dale, Ed, Jesse, Commissioners, Mildred needed for the session.

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

Commissioner McCown made a motion to ask that the County Attorney's to draft letter to Colorado West informing them that we will abandon the rent due for the year 2002 and they will be expected to vacate the property no later than December 31, 2002 this year; carried.

Research in Reference to Centennial Park – Axtell Park

This property is owned by the County, 11th Street and Grand Avenue, Glenwood Springs and bring back any kind of legal review for the status of the contract.

Chairman Martin – then we can talk about any kind of options for the future.

Election 2002 – Wrap Up

Mildred informed the Commissioners of the provisional ballots being counted and that the Abstract of Voters would be available next week.

Adjourn

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

Attest:

Chairman of the Board

NOVEMBER 18, 2002
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 18, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

a. *Award Bid to J & S Contractors Supply for Acquisition of Replacement Cutting Edges for the Total Delivered Price of \$13,829.85*

Tim Arnett and Marvin Stephens were present with the recommended board action to approve the yearly purchase of grader and snow plow replacement.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to J & S Contractors Supply for Acquisition of Replacement Cutting Edges for the total delivered price of \$13,829.85; motion carried.

b. *Accept Audit Report and Management Letter for 2001 Audit*

Jesse prepared and submitted a letter prepared and dated July 30, 2002 along with the audit.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to accept the Audit Report and Management Letter for 2001 audit; motion carried.

c. *Authorize Approval of Chadwick, Steinkirchner, Davis & Company, PC. as Auditors for 2002*

Ed requested the Board approve the contract for the yearly audit for 2002. Jesse added that in 2003, we will need to go out to bid, however, Chadwick, Steinkirchner, Davis and Company would be eligible to re-bid. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize approval of Chadwick, Steinkirchner, Davis and Company, PC as the auditors for Garfield County for the year 2002. Motion carried.

d. *Letter of Support Regarding Public Health in Western Area of County*

Mary Meisner presented a letter stating they would be housed in the old Claggett Hospital. She presented a letter of support regarding family medical services in the Western Area of Garfield County stating this would not obligate the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the letter of recommendation in support regarding public health in Western Area of the County; motion carried.

e. *Board Response to Proposed Encroachment at 2015 Blake Avenue. Applicant: Clay Goldberg, Glenwood Plaza Condominium Associations*

Chairman Martin received the information, placed the item on the agenda and explained that the County has the opportunity to respond to the proposed encroachment. This is directly across from the Mountain View Building. This was set for the Wednesday budget-hearing meeting, November 20th. Additional information to the City of Glenwood Springs will be requested.

f. *Airport Update on Rates and Charges – Brian Condie*

Brian submitted the rate changes being proposed. In reviewing the rates, he noticed there was no increase in user fees over the last three years. Brian reviewed the fees with the Board and recommended to adopt a rates and charges fee structure and to raise some of the fees at this time. These fees will be presented in a letter to the various entities noting they will be in effect January 1, 2002. These fees have been adopted but the previous Airport Manager did not enforce them. Brian stated the over all increase is 10% and the impact on the users will amount to \$7,000 to \$10,000 to the County in a year's time. In talking with the FAA, we are in the triangle of Eagle and Grand Junction, and the proposed increases in fees are in line with the size of our Airport. This excludes the FBO, any commercial operation would pay the annual activity fee of \$250.00 plus other fees such as tie-down, etc. Carolyn Dahlgren explained the forms are in place. The fee structure is the first step – it will allow the Airport to grow. Water, trash and water percentages of cost will be included in the 8% increase. Commissioner McCown stated he wanted a Contract from BLM with x number of dollars, then if they do not pay their bill, the County has some funds to offset this costs. Brian did not favor doing this and explained the process maintaining the problem was with the tankers when they fuel and leave. Brian said he would talk to BLM regarding a self-fueling permit.

Don clarified that these were private companies contracting with BLM and not BLM itself. Jim Hybarger, Manager High Jet stated there are other entities than just BLM. He was okay with the fuel fee changes. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Airport Rates and Charges as presented by Brian Condie, Airport Manager; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Amendment to Gordon Lease – Brian Condie

Dale Hancock, Carolyn Dahlgren, Dave Gordon and Brian Condie were present.

Carolyn Dahlgren reminded the Board the extension they approved was for the end of this year, December 31, 2002. Brian summarized three things: phasing and change of the project; as part of the marketing on this project, they are requesting a second extension; and third to include one larger hangar on the overall plan. Dave submitted a letter addressing the status of his hangar construction project on the Garfield County Airport. Tectonic Management Group, Inc. is a partner with Dave on this project. Together they will design/build this project. Dave provided an update on the status for submitting the Site Plan and engineered drawings for building permits. Additionally, Dave stated they were asking for an amendment to the lease that will change the parcel of land on which the first hangars will be built. The lease currently states that the first row of hangars will be built on the western parcel of land. The east parcel of land is “optioned” for them for a three-year period to the “optioned” parcel. A thorough planning analysis of the whole site and feed back from potential based aircraft owners reveals this is a better use of the property; and offers the airport more potential for basing larger aircraft while still serving the smaller aircraft owners. As soon as the approval from this Board is granted, they would be directing their civil and structural engineering firms to start work immediately on the drainage plan and foundation design. This information should be available in time to submit the building plans and permit application to the County by the end of November or the first part of December. The 60-day extension of time would be for when the actual construction would begin. Brian Condie explained that he did not have a problem with the phasing or the extension of 30-days, with Dave completing all the permits, and if not to relocate his hangar construction. Jim Hybarger, Rifle Jet Center, said the lease parcel of 100,000 sq feet is unusable for their plans. They would like to have their hangars consolidated as close together as possible and therefore would like to have the property currently optioned with Dave Gordon. Brian suggested holding Dave Gordon to the terms of the lease and if not, allow the Flight Department to move forward. Andrew Doremas, The Flight Department, addressed the excuse for the delay by Dave Gordon saying the slow down in the economy is not a valid excuse. They would like to use Dave Gordon option on the property and replace Dave Gordon to another location. He noted AvTech was not properly noticed for this meeting. They requested the extension request be denied. Dave Gordon stated he has spoken to Andrew and Brian but could not reach an agreement. Carolyn Dahlgren summarized the changes being requested and stated there would need to be an amendment to the lease that describes the project; he is committed to a specific layout. Brian stated there would be no conformity to the hangars. The changes are almost in the form of a new lease. If Dave builds in Phase 2 and does not build in Phase 1, it becomes landlocked to the taxiway. Dave referenced the improvements for a taxiway to be built by him.

Commissioner McCown – this is a new lease with the flip-flopping of the east and west end. He agreed with Brian on the drop date of December 31, 2002. He requested a draft contract be presented to the Board the first meeting in December addressing all the concerns expressed by Carolyn. This would not hinder Mr. Gordon’s current activities.

Mr. Gordon has to get the drainage plan in two weeks.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to form a draft lease with Gordon Leasing addressing the flip-flop that Dave Gordon has signed and to be presented to this Board at the December 2, 2002 meeting; motion carried.

b) Executive Session – Litigation Update – Property Control – Contracts with Carbondale and RFTA

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

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

COMMISSIONER REPORT

Commissioner Stowe – Personnel Wed. 1:30 a.m.; Reudi Water and Power – 5:30 PM Wednesday, Basalt Town Hall; last week – Rural Resort update – Minturn Town Hall on January 23, 2003; they’re discussing Fannie Mae and it is agreed that they want to underwrite the meetings for the next year and a portion of that

\$35,000,000 billion dollars back to the Rural Resort Community. They are going to be setting up four Committees, the Rural Resort consists of nine counties and several municipalities and those committees will be: a Homeowners Committee, a Developers Committee, a Regulatory Barrier Committee, and an Employer-Business Incentive Committee. Those four Committees will meet between now and September, then in September the Rural Resort will have their summit meeting through their own forum in preparation for being part of the 'Housing Now' conference in October 2003. They are looking at a way to capitalize approximately a \$20,000,000 Revolving Fund Loan for Fannie Mae for development of rural housing in the Rural Resort Region and Garfield County is number one on their list. It is an active committee and the reason they are coming to the Rural Resort Committee is because it is already a nine county consortium in the rural area and they want to get money on this side of the slope. Election and the new Chairman of Rural Resort will the Mayor out of Leadville, Chet and Bill Wallace will be the vice-chairman.

Commissioner McCown – Thursday, Road and Bridge – meeting with Marvin and Craig to discuss equipment at the Landfill.

Chairman Martin – Tax Subcommittee for CCI – dealing with eleven different taxing situation from Gallagher, Tabor Amendments, revisions, Oil and Gas among many other things including impact fees discussion and further litigation research on that subject. That's on Thursday, 11-21-2002 9:00 AM at CCI. MAC Meeting – 19th in the Courthouse Annex – Terrorist attack planning.

Agenda for the City/County Meeting – Tuesday, November 19, 2002

Midland Avenue	Discussion – Engineering Study
Hall	Parking Issues – Courthouse and City
	IGA's Land Use Reviews
	Discussion CDOT Letter –

Relocation Hwy 82

CONSENT AGENDA

- a. Approve Bills
- b. Authorize the Chairman to Sign the Williams Special Use Permit
- c. Sign the Final Plat of the Bond Subdivision
- d. Sunlight, Inc. Liquor License Renewal
- e. Valley Liquors Liquor License Renewal
- f. Sopris Restaurant Liquor License Renewal
- g. Narayan's Nepal Restaurant Liquor License Renewal and Change of Manager

Mildred Alsdorf noted the change of manager and requested a note

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items a - g; with the stipulation placed on "g" - Narayan's Liquor License that there be a current proof of residence for the new manager prior to the issuance of this license. Motion carried.

CONTINUED PUBLIC HEARING ON THE LAKE SPRINGS RANCH PUD PRELIMINARY PLAN

Ron Liston, John Schenk, and Boots Ferguson were present.

The review of this request was held on Tuesday, November 12, 2002. The public hearing was closed at that time.

Mark Bean provided a draft Resolution that reflects the discussion held on November 12, 2002 as follows: Recommendations:

1. All representations of the applicant made in the application and at the hearings before the Planning Commission and Board of County Commissioners shall be considered conditions of approval, unless approved otherwise by the Board.
2. As a part of any Final Plat submittal, the applicant shall include an analysis of the traffic impacts of the phase being platted and include at least 50% of that fee at the time of platting and include in the disclosure statements to prospective and new property owners a statement identifying their obligation to pay the remaining 50% at the time of building permit approval.
3. The applicant will provide an appraisal of the property prior to development that is no more than 24 months old, to be used to establish the school site acquisition fee to be paid at the time of final platting of the property.

4. Impact fees shall be paid to the Fire District prior to finalization of the final plat. The applicant shall adhere to the recommendations of the Carbondale and Rural Fire Protection District.
 5. The improvements included with the Final Plat will include a revegetation provision for the disturbed areas associated with the improvements for the subdivision, along with security to guarantee that the revegetation has been successful.
 6. Approval of the Preliminary Plan requires the developer to complete the platting of all phases within 15 years and the first Final Plat must be recorded within one year of the final approval of the Preliminary Plan.
 7. Hepworth-Pawlak Geotech's recommendations shall be followed. Site-specific studies shall be conducted for individual lot development. The need for site-specific studies shall be disclosed in the covenants and on the plat in the form of a plat note. Those recommendations include the following:
 - a. Prospective building owners should be made aware of the potential low risk of evaporate deformation. If the low risk is not acceptable to building owners, it can be reduced by the use of heavily reinforced foundation system preferably without a basement.
 - b. It is recommended that buildings not be located within 50 feet of the mapped fault trace unless site specific studies show that a fault is not present or, if present, the fault is not geologically young.
 - b. It is recommended that additional subsurface exploration be made in these areas to evaluate the engineering characteristics of the lake deposits.
 - c. The recommended foundation system will depend on the site-specific expansion potential. Also, a structural floor system over a crawlspace may be warranted depending on the expansion potential at a specific building site. A site-specific foundation study by the individual lot owners should be conducted for design level recommendations.
 - d. More extensive grading should be evaluated on a site-specific basis. As previously recommended, cut and fill should not exceed 10 feet deep and cut and fill slopes should be 2: 1 (horizontal to vertical) or flatter. We should review the proposed grading plans when available and determine if addition subsurface exploration and analysis are needed.
 - e. The channel crossing should be designed for the appropriate flood discharge and include provisions for a high sediment concentration flooding. Hydrologic analysis in this area should also consider flood flow velocities and the need for channel erosion stabilization to protect proposed Lots 11, 12 and 13.
 - f. Occupied structures should be designed to withstand moderately strong ground shaking with little or no damage and not to collapse under stronger ground shaking. The region is in the Uniform Building Code, Seismic Risk Zone 1.
8. Since the applicants have not determined what type of development will occur on the cluster lots, it will be necessary to have the cluster lots subject to Preliminary Plan review, on a lot specific basis.
9. Prior to the approval of a final plat, the Plans and Specifications for the drinking water system must be submitted to the Colorado Department of Public Health and Environment, Technical Services Unit, for Capacity Development approval.

10. That prior to any final plat approval, the applicant shall give the Spring Valley Sanitation district the opportunity to review and approve the wastewater collection system plans for the development.

11. The following plat notes shall be placed on the final plat:

"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 site specific foundation study done by a qualified registered professional engineer in the State of Colorado."

"Garfield County has adopted a "Right to Farm" provision in the Garfield County Zoning Resolution in Section 1.08, which states among other things, that "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."

"One (1) dog will be allowed for each residential unit on this lot, and the dog shall be required to be confined within the owner's property boundaries. Enforcement provisions shall be developed for allowing the removal of a dog from the area, as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed on this lot. 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 shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries."

12. The following amendments to the covenants need to be amended or added.

- a. Section 8.16, Animals and Pets, needs to be modified to allow for only one (1) dog per household, rather than the two proposed.
- b. Section 4.3 of the draft covenants should include maintenance of drainage structures.

13. That the Final Plat submitted, include a digital copy of the Final Plat and attached documents on disk, to a standard acceptable to the Garfield County Information Technology Department.

14. The names of the roads within the subdivision will be changed to avoid confusion with other county roads for safety purposes.

15. The applicant shall make application to the Colorado Department of Transportation, pursuant to Section 12 (b) of the State Highway Access Code, for a permit for the reconstruction of an existing access at the intersection of County Road 114 and State Highway 82. Such application and approved permit shall be tendered as a part of the approved phasing plan and shall be included with the applicable final plat documents, specifically the subdivision

improvements agreement that includes security for the intersection improvements.

16. Roadways. The current preliminary plan application for Lake Springs Ranch PUD proposes fourteen separate accesses onto Garfield County Road 114, hereinafter "CR 114". Notwithstanding any future Board of County Commissioners amendments to current approvals, which may be obtained for the currently proposed design of the roadway accesses for the Lake Springs Ranch PUD from CR 114 and the present design of improvements to CR 114 through the Lake Springs Ranch PUD, the applicant agrees to the following criteria:
 - a. Grade of Garfield County Road 114 at Intersections: At intersections with Lake Springs Ranch development roads, the vertical alignment of Garfield County Road 114 shall have grades no greater than 5% for a minimum distance of 25-feet as measured from the centerline of the intersecting road.
 - b. Grade of Intersecting Road at Intersections: At intersections with Garfield County Road 114, all Lake Springs Ranch development roads shall have grades no greater than 4% for a minimum distance of 120-feet as measured from the centerline of Garfield County Road 114.
 - c. Angle of Intersections: Intersections shall be designed as nearly to right angles as possible, with no intersecting angles of less than 85 degrees. The centerline of intersecting roads shall be designed with a tangent at the intersection with a minimum tangent length of 60-feet as measured from the centerline of Garfield County Road 114 to the first Point of Curvature (P.C.) on the intersecting road.
 - d. Proximity of Adjacent Intersections: Where two Lake Springs Ranch development roads intersect Garfield County Road 114, the intersecting centerlines shall be directly aligned, or shall be separated not less than 200-feet as measured between intersecting centerlines. In the event that one or both of the intersecting streets requires that County Road 114 be provided with auxiliary lanes (acceleration and/or deceleration lanes) as provided for herein, then the intersecting street centerlines shall be offset sufficient distances so that the minimum length of the auxiliary lanes, as required for herein, are provided and do not overlap.
 - e. Requirement for Auxiliary Lanes: Intersections of all Lake Springs Ranch development roads shall be provided with auxiliary lanes (left turn deceleration lanes, right turn deceleration lanes, right turn acceleration lanes, and left turn acceleration lanes) applying criteria set forth in Section 3.9 of the Colorado State Highway Access Code dated August 31, 1998.
 - f. Design Criteria for Auxiliary Lanes: The design of all required auxiliary lanes shall be in accordance with then applicable Garfield County specifications, as applicable, and Section 4 – Design Standards and Specifications of the Colorado State Highway Access Code dated August 31, 1998.
 - g. Intersection Sight Distance: At intersections of Lake Springs Ranch development roads and Garfield County Road 114, clear zones shall be designed and maintained to provide sight distance for the vehicle on the intersecting road (stop or yield) to observe a moving vehicle on Garfield County Road 114. The clear zone shall be maintained free of all vegetation and objects taller than 24-inches except for traffic signs. The sight distance shall be measured from a point on the intersecting road (stop or yield) which is 10-feet from the edge of pavement on Garfield County Road 114. The minimum intersection site distance for intersections with Garfield County Road 114 based on a 35 MPH design speed shall be 350-feet
 - h. Access Points: Direct accesses onto Garfield County Road 114 by individual lots shall be prohibited. No individual lot shall access a Lake Springs Ranch development road within a distance of 100-feet from an intersection with Garfield County Road 114, as measured from the nearest edge of pavement of Garfield County Road 114.
 - i. Utilities and Street Construction: Street and road construction shall not proceed beyond sub-grade preparation until all utilities which are intended to be placed under any part of the street or road are complete, including all service lines, and all utility

trenches are backfilled and compacted in accordance with the street or road construction specifications as provided by a registered geotechnical engineer.

j. Other Design Criteria: Except as modified above, CR 114 shall be subject to the following design parameters:

Garfield County Road 114 Design Criteria	
Design Capacity (Vehicles Per Day)	2500+
Minimum Right of Way Width	80-feet
Type of Surface for Driving Lanes and Shoulders	Asphalt
Pavement Design and Sub-grade Stabilization	Prepared By Registered Geotechnical Engineer Based On Site Specific Soil Analysis And Anticipated Traffic Volume For 20-Year Design Life
Minimum Driving Lane Width	12-feet
Minimum Shoulder Width	6-feet
Ditch Width and Storm Drainage Culverts	Designed by Professional Engineer to Provide Minimum Hydraulic Capacity to Convey Peak Flow From 100-year Storm Event
Cross Slope	2% to 8% Based on Super-elevation Design of Roadway by Professional Engineer
Shoulder Slope	Identical to Cross Slope
Minimum Design Speed [Miles Per Hour]	35 MPH
Minimum Centerline Radius [Feet]	Varies with Super-elevation
Rate of Super-elevation:	
2% Crown Section	610-feet
2%	470-feet
4%	420-feet
6%	380-feet
8%	350-feet
Minimum Percentage of Run-out on Tangent	80%
Minimum Run-out Length [Feet]	Varies with Change in Rate of Super-elevation
Change in Rate of Super-elevation:	
4%	84-feet
6%	126-feet
8%	168-feet
10%	210-feet
12%	252-feet
14%	294-feet
16%	336-feet
Maximum Centerline Grade	10%
Minimum Centerline Grade	1%
K-Value for Crest Vertical Curve	40 minimum
K-Value for Sag Vertical Curve	50 minimum

17. Well Monitoring. Lake Springs shall participate with Spring Valley and other land owners in the Spring Valley area in a ground water monitoring program to monitor water levels in the Spring Valley Aquifer, as described in the Memorandum dated December 6,

2000, authored by Anne Castle and Chris Thorne of Holland & Hart attached as Exhibit A. The data collected pursuant to the monitoring program shall be provided to and maintained by the Basalt Water Conservancy District (the "Basalt District"). If and when the monitoring program, or other reliable data and information, provide evidence of a long term trend that indicates an inability of the Spring Valley Aquifer to satisfy expected demand associated with decreed water rights owned by Lake Springs, Spring Valley, and the other parties participating in the monitoring program, the applicant shall cooperate with the Basalt District to identify and implement necessary and appropriate corrective measures which may include: (a) implementation of water conservation measures and/or (b) evaluation of the opportunities for provision of a substitute water supply from a supplemental source.

18. Fire Protection. Under the terms of Resolutions No. 2000-95 and 2002-07, Spring Valley will be developing a fire station within its project that is planned to be proximate to the Lake Springs Ranch PUD and which, for all practical purposes upon construction, will be the first responding fire protection station to any fire within the Lake Springs Ranch PUD which is currently in the Carbondale Fire Protection District. Accordingly, if a fire station is so constructed within the Landis Creek Metropolitan District, Lake Springs agrees to use reasonable efforts to include Lake Springs Ranch PUD within the Landis Creek Metropolitan District fire protection umbrella so long as the ultimate cost of fire protection services are no greater than would be imposed by the Carbondale Fire Protection District or, in the alternative, to assist in reasonable efforts to have funds paid by Lake Springs Ranch PUD property owners for fire protection services directed to the Landis Creek Metropolitan District. In addition, the applicant agrees to work with Spring Valley to coordinate discussions between the Landis Creek Metropolitan District and the Carbondale Fire Protection District to provide for appropriate reimbursement of costs to Landis Creek Metropolitan District for any emergency responses it may make to properties located within the Carbondale Fire Protection District.

The Commissioners reviewed the contents of the Resolution and a motion was made by Commissioner McCown made a motion and seconded by Commissioner Stowe to approve the Preliminary Plan for the Lake Springs Ranch PUD Subdivision including all corrections that are in the packet before the Board that was presented today by Mark Bean and all conditions of approval 1- 18 as well as the testimony taken from the applicant be included as conditions of approval; motion carried.

CONSIDERATION OF A REQUEST TO SET A PUBLIC HEARING FOR THE GLENWOOD CAVERNS AND HISTORIC FAIRY CAVES SPECIAL USE PERMIT

Steve Beckley, Mark Bean and Don DeFord were present.

Mark presented a memo to the Board saying, the Glenwood Caverns and Historic Fairy Caves has applied to the County for a revision to the existing Special Use Permit approved in Resolution 2002-47. The major issue that they are addressing in the revised plan deals with the December 31, 2002 deadline to complete the tramway and other new facilities. They are also requesting a change in the conditions dealing with the ISDS, to recognize the connection to the City of Glenwood Springs sewer system.

The Board has the authority to refer this application to the Planning Commission per Section 9.03.04. It is staff's opinion that the proposed changes are not substantial enough to justify referral to the Planning Commission and that the Board should set a hearing date of December 16, 2002 to consider the proposed revisions.

Mark added that the applicant has already noticed the hearing at their risk.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to place this on the December 16th meeting; motion carried.

TRANSPORTATION ISSUES AND PROJECTS UPDATE FROM CDOT AND THE TRANSPORTATION COMMISSION – DOUG ADEN, TRANSPORTATION COMMISSIONER AND OWEN LEONARD, REGION 3 TRANSPORTATION DIRECTOR

Owen Leonard, Doug Aden, Phillip Andrelly, Karen Roe, Joe Elson, Charles Meyers, Jim Noll, Darrell Black, Heather Doogan, David Miller, Mark Bean and Randy Russell were present.

The CDOT Maintenance Program Garfield County 2001/2002 was submitted. The Reports outlined the statistics for: roadway surface, roadside facilities, roadside appearance, traffic services, structure maintenance, snow and ice control, rest area maintenance, and Hanging Lake Tunnels.

The way they measure their Customer Service is to ask the question if they are doing everything they can to address the maintenance issues.

Chairman Martin expressed compliments on the maintenance on various roads. The requests from the County were met and it was a good partnership.

The weed program is one they are working on diligently. They would like to see the partnership continue. Without the help of the County, they would not be where they are now. Last year they contributed \$11,000. How to enter into a Contractual Agreement with Garfield County is an area they would like the Board to consider in order to keep the weed control program in place. Compliments were given to Steve Anthony and the work that he does.

Chairman Martin inquired about the on/off ramp at Shoshone moving it to a different area. Phillip addressed the launching areas but they have not received any information on a request. Owen Leonard - Copies of the General Information to the Region were sent to the Board in advance including budget information on the FY 2003. Senate Bill 1 was eliminated and did not have any idea as when this would be replaced. It may be 2005 to 2008 before those monies flow. Budget cuts that the Governor is proposing would probably not affect the major projects already on the schedule. This is \$780,000,000 this year, a 20% reduction from what they have had in the past. \$200,000,000 was in lost of Senate Bill 1 monies this year. The allocation sheets in the report are basically just distribution of budget by transportation program area and the CDOT regions given the 25 year plan allocations. Stip years for 2003 – one of the key things is under regional priority program, those capital funds are set aside for improvement projects prioritized by the local transportation; they are basing this on HUTF loss of dollars. This is not being affected by the general fund cuts by the Governor. Some losses from gas revenue taxes.

Bridges – Chairman Martin requested a status report on the local projects. Bridges are selected by classification systems. The process would be to submit projects to that committee. The state allocates \$36,000 per year. The Plan for the Intermountain TPR – within Garfield County includes the State Hwy 82, at the 3.7 post mile marker with Midland Extension is identified in the 20-year plan, it is fairly high and as funding is available it will move higher on the list. The Intersection at Hwy 82 and Red Mountain is currently on the stip. The plans for this project have been released. Hwy. 13 to Rio Blanco County is not even on the radar screen. Some improvements are on the list in the northwest TPR. There would be funding for the piece in Rio Blanco and Moffat County. This was targeted for the 2003 plan but it may not get the prioritization needed to rank high on the list. Owen has earmarked this as a strategic corridor and if it can be ranked as such, it would be categorized differently. A lot depends on the economy. Planning is essential and it shows the need far greater than funds available. There is a contact list included in the report and Owen referenced it as a good resource.

Engineering: Karen – furthered explained the budget clarifying the discrepancy noted by Commissioner McCown. Future construction projects: this summer they finished Hwy 82, next summer, they will pave I-70 working one direction starting at Silt to Milepost 110 and hoping to do the ramps and overpasses as well with Rotomil over the bridges. The following summer will include Grand Avenue – tear out 10-inches of asphalt and put in concrete. They are working with the City of Glenwood Springs and RFTA; concrete companies are also involved. They plan to have the first meeting in January and another in May. They expect the Midland project to go from 8th Avenue to 23rd. The design work is related to truck traffic – this is a 20-year design. Some curb and gutter will be reconstructed where it is not as good. The City of Glenwood would be responsible to reimburse them for the curb and gutter – the budget is about \$3.2 million. The visual effect of the concrete highway will enhance the City. Everyone seems to be happy.

Concrete would have less effect on the traffic – this is for the summer of 2004. State Highway 82 Intersection would go 2004 or 2005. CDOT has committed to this project – it's a 1.8 million contract, added decel and accel lane – CR 115 and Holy Cross in conjunction with the Midland/City project. Like to clean up this access and move it further toward the CR 154 intersection. The long-term plan is to connect CR 154 over to this intersection. This would be 2005 project. For the Highway 133 feasibility and the four-lane project, there are some safety funds they may be able to contribute. Preliminary study on CR 114 for a 20-year design to get right of way is also being discussed.

Jim Knoll Regional 3– Traffic Manager in the Region – reported on the maintenance section discussing signals, signing, stripping, and issues dealing with access. He thanked the county for being a participant in the Growth Seminar. Garfield is our biggest county and there is a need to control growth issues in conjunction with the county. Smart planning and partnerships are the only way to survive. There's a lot of growth in Garfield County and he is encouraged to work together as a team. They are working on the Crystal River Development in Carbondale with the 4-lane construction; this is a team effort. The other

projects they are working on is the Super Wal Mart in Rifle and the town of Silt for expansion. Overall plans for CR 114 comes down to the fact that there is no money, but some opportunities are there underneath the bridge to do three lanes. Working with City of Glenwood Springs on the curb and gutter project to protect the West Glenwood exit; with the light that seems to be working well. These are effective band-aids.

Charles Meyers Operations Unit Manager, elaborated on the operational issues that come directly from citizens, city and county governments. He highlighted the following issues: signing and stripping projects saying that 1/10th went to Garfield County and two signals were installed, one at the West Glenwood and the one at 10th Street and Grand. Improvements at 82 and Hwy 133 were completed to manage the high demand traffic with the double left turn. The issues on State Hwy 133 corridor have been working and the plan developed is very effective to balance the concerns. The Crystal River Marketplace has been working on this as well. The West Glenwood Exit was a cooperative effort with the City of Glenwood Springs. The timing issue with stoplights on Hwy 82 were improved. Another project in the near future will be the replacements of the bases of the lights. Stacking of traffic at the Rifle, Silt and New Castle ramps are concerns. The Rifle Wal Mart will be a huge impact on Interstate 70 and they are working very closely with the developers. They haven't been approached by the Town yet but it does have the potential of impacting the ramp area; also the rest area access as well. They are working with Glenwood Meadows on access issues as well.

Hazardous Transportation Issues – Ed said a request that all the local entities take an inventory of what they have rather than have a coordinated program from the State. CDOT leaves this with the Colorado State Department of Transportation.

David Miller, Regional Planner for this area said the 20-year plan includes Highway 82 – Alternate Route Extension now know as Midland Extension. This winter the 20-year plan will be updated. He encouraged the Commissioners to lobby and get their project high on the list. Lova Trails – comes up in 2005 and begins in July 2004. The 2003 Strategic Plan – the only thing that will progress are the items in the original 7th pot. The Transportation Commission has stated that all the other projects would be carried over. This includes the I-70 Utah to Glenwood Springs widening and improvement of ramps, reconstruction on I-70 will be carried over to the region priorities. The 8th Pot, Region Strategic Plan, includes the RFTA project; the 10% obligated toward transit issues mandated amount to \$6.2 billion dollars in the whole TPR program. Sound barrier mitigation is a big issue. This program does not exist in the current budget.

The Commissioners thanked CDOT for updating the County.

HUMAN SERVICES COMMISSION – EDUCATIONAL SERVICES – CAROLYN HARDIN

a. Appoint Lynn Renick as a Member of the Human Services Commission

Lynn Renick has been appointed as a member of the Human Services Commission, and for Education, representing Garfield School District 16, Jody Williams has been recommended.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Jody Williams representing Education – School District 16 to the Human Services Commission. Motion carried.

b. Request for \$1,200 for Garfield County Humanitarian Awards Dinner

Julie Olson, Chairman of the Committee submitted the request and reviewed the past contributions to the award dinner. The Dinner is scheduled for January 27th at the Hotel Colorado. The invitation was made to one of the Commissioners to auction the gifts.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to support the Humanitarian Awards Dinner for the Advocate Safehouse in the amount of \$1200 as we have done in the past, to come out of the 2003 budget; motion carried.

c. Garfield RE-2 School District Report

Education representative from the Human Service Commission, Carolyn Harding, presented the Roaring Fork School District Strategic Plan that including technology, facilities, ELL issues, quality staff, funding sources, and student achievement. The property at North Face has been purchased for the school. She reported on the Roaring Fork Family Resource Center where there is one in each school and their purpose is to link students and families with health and family resources by providing information, referral services and coordination for physicians, dentists, eye care & mental health services; tutoring, recreational and enrichment activities; parenting classes, child care and after-school care or activities; and financial assistance as needed. The program evaluation report included 803 students served directly and almost 5,000 school-wide. There were 7,946 contacts made on behalf of those students; 59% of the students served directly were residents of Garfield County; 27% had at least one household member employed in Garfield County. 61% were Latino. 34% were Caucasian.

Kay Vasilakis, Coordinator of Public Relations for Garfield RE-2 Schools presented a copy of the 2002 Presentation to the County Commissioners from the Garfield RE-2 School District, a copy of the proposed 2004-05 student achievement calendar and the schematic site plan and design development for the Coal Ridge High School.

Jody Williams and Dr. Steven McKee – Parachute School District 16 had a school bond election that passed. \$2 million into Bea Underwood School and a 63-year-old high school was replaced by a \$12 million new school that can accommodate 600 students. The old school was made into a literacy center. They have Head Start in the area and Judy Lopez, Director of Head Start; BOCCES is also available. With the teacher shortages, they have been working hard at recruiting staff and have set up a childcare for infants and children and after school. This is a benefit for the teachers. \$60,000 in grants, they completed half of the old school building. The purpose of this is setting up a teen parent program. 129 teen mamas reside in Garfield County. Yampah has been the only teen mother program. Efforts have been made to serve their area with a teen parent program. Space is available and the area for infants and children is available. There are 128 Spanish-speaking only families in their area. They want to set up a parent room to assist parents with being comfortable in the programs.

Terry Masterson – CMC – submitted brochures covering the programs including the GED program. Literacy programs and GED – peer review of the program and said they are the best of the best in Colorado. They are working with workforce training, computer training and Spanish. With Wal Mart coming in Rifle, they are considering a program of Customer Service. One of the new programs is the 2+2 for education. This is a partnership and we anticipate that it will help with some of the teachers with post secondary education, 3 classes are taught in the Rifle Campus. Life-long learners are enrolled in the classes for fun.

Literacy Outreach – only credited facility in the State. Last year they served 135 students with 130 on a waiting list. The key predictor is the child's mother education level. 29% of all the 3-1300 babies born in this area were from mothers who did not finish high school.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; motion carried.

BOARD OF SOCIAL SERVICES

a. Authorize Approval of Placement Contracts

Lynn Renick included in her report a list of current placements for the Board's consideration of contract approval. She requested the Board Chairman be authorized to sign all contracts exceeding \$10,000 and all amounts under \$10,000 will be presented to the County Manager or Assistant County Manager for approval.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the child placements Numbers 1 – 46 as submitted and the Chair be authorized to sign by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

A motion was made by Commissioner and seconded by Commissioner to authorize Lynn Renick to have the County Manager or Assistant County Manager approve contracts under \$10,000; motion carried

b. Core Services Contract – Mental Health and Substance Abuse

Carolyn Dahlgren and Lynn attended a regional directors meeting in Craig on October 22, 2002. Ken Stein, Executive Director of Colorado West Regional Mental Health Center and other Colorado West staff attended. Per the discussion and agreement by the parties present at the meeting, the Department is requesting that the Board consider an amendment to the Core Services Mental Health and Substance Abuse contracts to reflect: 1) specifying ceiling and floor amounts to the annual not to exceed figure; 2) including confidentially and the "HIPAA" savings language; 3) clarifying identification of contact persons; and 4) considering whether to redraft the two contracts combining both Substance Abuse and Mental Health Services under the document.

The risk corridor – the establishment of the 81-20 issue – a ceiling amount.

Carolyn explained within a relevant range, we deserve reimbursement and if they do more, we deserve additional money. This is regional proposal. Last year the 4-counties overspent to the tune of \$20,000. One of the big factors was the external providers with the issues with Colorado West Mental Health. Had the 80-20 percentage been in effect, this over expenditure would not have happened. The Counties that were under spent absorbed this. From Ken Stein's protections, he wanted some assurance if there were over the 100% to the 120%, he would be entitled to more funds. This establishes the perimeters in case there is a need to sit down and talk. The present structure forces Ken to pay the cases for the referrals. They are

obligated to treat up to the 120%; if they were under the 100% i.e. to the 80%, they would be able to keep the funds. The 120% risk factor is the time for negotiations – either more money or no more referrals. The Commissioners viewed this as a violation of their budget; Commissioner McCown preferred to have a contract dollar amount. Ed cautioned that Colorado West might elect not to renew their contract. With the ceiling, we could get the additional 20%. Carolyn added that this would mean better management as well. The consensus of the Board was for Carolyn and Lynn to bring a draft back to the Commissioners. Jesse suggested to start talking when we reach the 80% level.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services into the Board of County Commissioners. Motion carried.

As the Board of County Commissioners

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to Approve the list of child placements 1 – 46 as submitted and the Chair be authorized to sign. Motion carried.

A motion was made by Commissioner and seconded by Commissioner to authorize Lynn Renick approve and sign contracts under \$10,000; all contracts exceeding \$10,000 will be presented to the County Manager or Assistant County Manager for approval; motion carried

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of County Commissioners back into the Board of Social Services; motion carried.

Reports:

Child Care Update

The grant proposal to the Temple Hoyne Buell Foundation is being pursued by the Department at this time. This is for the purpose of increasing the quality of child care in daycare homes through coursework, mentoring and consultation. Increasing the number of childcare slots and strengthening the licensing component with continued collaboration with other early childhood entities are the primary 2003 goals.

Foster Care Program Audit

A team of four CDHS representatives are conducting a two-day review and providing technical assistance to the Department's foster care program on Monday and Tuesday, November 18 and 19.

Various Program Reports were submitted to the Board for review.

Child Support Collections are below the projected goal and this is due to the turnover in staff. This is due to the education of staff in going through the court procedure, reports, etc. and takes time to have this to a level of being able to be effective.

DISCUSSION – CRIMINAL JUSTICE SERVICES BOARD

Don submitted the new Resolution addressing the concerns expressed by Al Maggard in relation to the clarifying the membership and amending Resolution 2000-100.

A motion was made by Commissioner McCown and seconded by Commissioner to amend the membership in the Criminal Justice Services Board as presented by Don DeFord; motion carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn until Wednesday for the Budget Hearing at 9:00 a.m.; motion carried.

Attest:

Chairman of the Board

NOVEMBER 20, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
BUDGET 2003

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Wednesday, November 20, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren Mildred Alsdorf Clerk & Recorder, Judy Osman, Human Resources Director, Brian Condie, Airport Manager, Diana Wessel, Information Technician, Mark Bean, Building and Planning Director, Shannon Hurst, Assessor, Tim Arnett, Purchasing, Dale Hancock, Operations, Lynn Renick, Social Services Director, Georgia Chamberlain, Treasurer, Lois Hybarger, Comptroller, Randy Russell, Engineer, Marvin Stephens, Road and Bridge

CALL TO ORDER

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

BUDGET 2003 - PUBLIC HEARING

Don DeFord provided the public notification of today's hearing.

Chairman Martin entered this into the record.

Changes in Personnel Policies and Procedures

Judy Osman presented the proposed changes in the Personnel Manual as previously discussed. Section 4.10 of the Personnel – Major Sick Leave – Item 5 – required to care for Under primary caregiver, this did not have sibling, this needs to be add.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to add "sibling" to the Section 4.10. Motion carried.

Employees Losing PDO

Discussion at the Personnel Meeting was held and a recommendation was made to appoint a sub-committee to address the issue and come up with some solutions. Ed presented a summary with some solutions. Those included:

- Do Nothing
- Go back to the old system – eliminate hours

Amendment to 4.09 – Personal Days Off. Employees must take at least 15 days of PDO per year. Those qualified to receive 40% of value – annually. Cash Payout in two ways – taxed and paid as part of their February paycheck or as untaxed deferred compensation.

If this is approved, for the year 2002 it amounts to \$40,000 for payout if they do not qualify they lose it. If an employee leaves, they will be paid all of their accrued leave – 100%. Mildred stated the Committee would like this to become immediately. Next July this will be reviewed. One other point would be that when they reached their maximum, there would be no more accrual until they used their 15 days PDO. Shannon – agrees with the recommendation of the Personnel Committee and to review this next July. Georgia agreed to use this as a trial and review it next year.

Employee representation to the Personnel Committee: Marvin Stephens said that by the end of the year the buy-out would not be as much as anticipated. However, for him personally this new plan would give him as opportunity to re-coup some lost time. Commissioner McCown - a \$1.1 million dollar liability is a significant amount. The whole purpose of this PDO was to encourage people to take time off; we're not where we want them to be. Lynn Renick supports the recommendation and agrees that the department head needs to be a good role model. Chairman Martin – this puts a burden on department heads to keep track of PDO and to give a warning to those who need to use some PDO.

Commissioner McCown made a motion regarding Section 4.9 of the Personnel Policy regarding PDO, employees must take off at least 15% of their time and if qualify, then they can receive 40% of this unused PDO and payment to be in February of 2003. It will be a cash payout and taxed; or untaxed and added to their retirement, for a one-year trial period and this will be reviewed by the Board during 2003; motion carried.

Does this apply Sheriff, Library: Ed said the Library, per Jaci Spuhler – asked that it not be applied. The Sheriff has figured in as part of this budget. The same payout would apply to them as well.

Don stated this needs to be addressed for those not covered that have taken less than 15 days of PDO. This Board is saying they cannot – if it's their intend – apply to not only to the Personnel Policy and as part of the Budget for this year and 2003.

Lois – under the Personnel Policy, the Sheriff's employees have compensatory time and she didn't understand if this would apply to that department. Commissioner McCown – commented there were three different personnel policies. Library, Sheriff and the general County policy. Jesse indicated that the Sheriff's deputies were figured in the payout; this is an issue the Board controls. Motion carried.

Budget Summaries

Jesse presented handouts summarizing budget areas and he elaborated on the problem concerning the budget as submitted by the different department heads. The general fund was taking a hard hit and the fund balance was dropping significant. Therefore, he asked the department heads to rework their budget to lower their requests. This included the new Sheriff as well. The end result was there was some \$1.2 million improvement in the fund balance. This is a line item budget and it has restrictions to spending. The accounting department cannot expend funds over within the line items unless they come before the Board with a request.

Health Insurance and Disability

Jesse indicated the rising cost of health insurance and disability is affecting every department. He adjusted everyone's line item by \$9,000 total for the County in long-term disability. There was a 23% increase in health, and there is an offset by asking employees to pay a part of that. For individuals – \$50 for singles, \$100 for one dependent; and \$150 for a family of three or more. Jesse explained the major significant changes in the Assessor with the Internet connection to customers; Clerk & Recorder to replace outdated computers and new data conversion line item for digital recording; and the Treasurer with some line item changes particular in newspaper advertising, and stated he was not sure what it will cost her department to be on the Internet. Georgia, Mildred and Shannon were happy with their budgets. The Sheriff had some adjustments with reductions as well as increases in specific line items. Some of the changes made were due to a new Sheriff. Chairman Martin mentioned that Jesse set down with Lou Vallario and Lou concurred with the budget. He wanted to stay flexible this next year. For the Coroner, adding in a salary for Trey Holt was a big adjustment. Trey would like to include some capital equipment; he's been using his own equipment on calls and these calls are in very rough places many times. Surveyor – this is to be a paid position and \$32,000 has been put in to cover those expenses.

In the Extension budget, Dale requested to provide additional funds for awards made to 4H members for an increase from \$1,000 to \$4,000.

Jesse explained that changes would be reflected according to what the Commissioners decided regarding positions requested. He stated that vacancy savings cannot be spent without specific approval of the Board.

Capital Requests

The Assessor requested modular furniture at \$52,000. New carpet for the Clerk & Recorder is included in Richard's budget. Motor vehicles - Replace 6 vehicles in capital then given to motor pool; this year will clear us out and everything will be under motor pool. The Clerk & Recorder improvements in Computers was in the line items; the Treasurer requested nothing more than the move. They will be going to modular furniture but this is under operating costs for 2003. Sheriff - Animal control officer at \$33,000 was formerly budgeted. Facilities \$209,000 carpet and repaint – Assessor; Fairgrounds – tractor requested and Dale was directed for more information. Weed Management requested a pick up for weed spraying and an ATV with trailer to place a tank on it for \$11,200. Road and Bridge – requested equipment, a loader for the Silt shop for \$246,000 Bobcat – trade out every year; radio system upgrades – additional repeaters, one on the east side of Harvey Gap – covers west of east Elk; upgrading of hand held radios; and air conditioning for various vehicles. Silt and Rife Consolidated Shops – additional discussion needed regarding the request for a loader and dozer. Solid Waste capital – rock box for track hoe and wash pan – testing – make Landfill more efficient – want to rent first to see if it does improvement at the Landfill then consider a lease option. Airport: \$160,000 for the ramp; taxiway - \$ 65,000 - \$231,000 total.

231,000 total. Motor Pool – addition of a diagnostic system for doing tune-ups and a transmission flush machine. Record coordinator - Coordinate all files in right order.

Healthy Beginnings requested a new administrative secretary position. Karen requested a part-time secretary for administration however; this is not in the budget. The Assessor requested an Appraiser I and one new clerk. Shannon will share fieldwork with Rio Blanco with a retired Chevron employee who will work in Garfield County 2 days a week and pay \$12. in lodging for one night; a vehicle assigned at \$20,000 – part time FTE 2/5th- 0.4. Sheriff – Animal Control position. Reduced overall staff by 6 positions Lou preferred two detention deputies and preferred patrol Lieutenant and an Emergency Management person. This Oil and Gas position would need office space, vehicle, and this drives the costs; this position

would be housed in either the Courthouse or the Henry Building. This position would report to Ed due to working with multiple departments

Sid Lindauer and Deanna Wilson of Western Colorado to present information regarding what is required of a field representative as well as a potential job description. He submitted it to the Commissioners for their review.

Commissioner McCown questioned the legal authority this type of a position would have because there's no one individual that is not empowered to do make those decisions. In LaPlata County, there is current litigation over the powers of the County. Mark Bean was not contacted.

Sid reiterated his position on this saying that the people initially contacted Mark and he didn't have time; complaints weren't heard.

Commissioner McCown maintains there is a Colorado Oil and Gas Commission office and a position already there that covers Wyoming to New Mexico.

Jamie, Citizens Committee agreed there was a position in the field and but the office is not manned. The concerns that go unresolved are within the rules and if the oil companies are in compliance. Commissioner Stowe stated he was not sold on a new \$120,000 position.

Commissioner elect Tresi Houpt stated that she support John in his position and realizes how much the oil and gas industry is impacting our county.

Mill Levy Allocations – 13.665 mill levy

Don informed the Board that this is a noticed hearing and submitted the publication for the record. Due to the printed agenda error stating this would be at 9 P.M. tonight versus 9:00 A.M. to day, it has to occur at 9:00 P.M. He suggested this could be handled as part of the workshop tonight. The Board can accept evidence when we formerly address this hearing – we are likely to have public included in the hearing. He suggested when concluding the budget public hearing to continue the meeting until 9:00 P.M. tonight. The public can be heard, but the Board does not actually adopt the Mill Levy Allocations, this will be handled at the December 16, 2002 meeting.

Recess

Commissioner Stowe moved to continue the meeting until 9:00 P.M. tonight; Commissioner McCown seconded; motion carried.

The Commissioners requested a draft, including a stipulation of the Personnel and vacancy savings provided to them for the December 16 meeting.

Attest:

Chairman of the Board

**NOVEMBER 20, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
WORK SESSION – BUILDING AND PLANNING**

The WORK SESSION began at 6:30 P.M. on Wednesday, November 20, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Mildred Alsdorf, Clerk & Recorder, Rollie Fisher, and Cheryl Chandler – Planning Commission Members and Brian Make, Assistant Director of the Colorado Oil and Gas Commission with office located in Battlement Mesa were present.

Other guests included: Jamie Atkin, Citizens Review Committee, Landowner Sid Lindauer, Sam Robertson, Ed Mulhall, Steve Weizchek of Williams Energy, John Nile, Tom Brown, and Craig Meese of Mesa County, planner.

Discussion included:

Colorado Oil and Gas Commission – zoning regulations

Mark informed the Board that under the Zoning Regulation 25-12 the Board could regulate compressor regulations by special review. However, regarding noise, the Board does not have the formal authority to change. The statutory settings regulate noise levels. The County can adopt more stringent regulations under County powers. In 1997, an agreement was made with LaPlata County do to a noise study and establish

could level standards. In 1998, the standard was set a 5 db less than the daytime hours. Adams County adopted the State standards.

Members from the Battlement Mesa spoke of their grievances against the noise coming from the compressor sites relating how this affects their property values, standard of living and related some health concerns.

Rollie Fisher agreed to draft for the Planning Commission a document going through the Board of County Commissioners that they could initiate. This will come before the Planning Commission in December.

NOVEMBER 20, 2002
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 P.M. on Wednesday, November 20, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Mildred Alsdorf, Clerk & Recorder.

CALL TO ORDER

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

Mill Levy Allocations

The Public Hearing was re-opened.

Don stated the hearing was set to consider designation of excess revenues for capital expenditures under the provision of Section 29-1-301, et. seq.; the notification has been given appropriately as required by Statute and the newspaper proof of that was given to the Clerk, Mildred Alsdorf. Accordingly, the Statute has been met and he informed the Board they were entitled to proceed.

This was held over due to an error in the agenda time.

Jesse Smith stated, using the certification of mill levies from August provided by the Assessor, he calculated what our property tax revenues would look like next year. The surplus above the 5.5% limit would amount to \$1,070,646 that equates to a mill levy of 1.169 and added that to a mill levy of 1.831 making a total mill levy of 3% for the capital fund. That would provide the capital fund \$2,747,390.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that we transfer the amount in excess \$1,070,646.00 to the Capital Expenditures Fund as the excess amount allowed by Tabor. Motion carried.

Change in the Personnel Policy addressed in the morning session

Jesse said this needs to be addressed where we going to file at 40%. It is a budget issue, the Board can offer this to anyone in the County but not to exceed 40% so that no one can buy out or offer a buy out to any of their employees in excess of this 40%.

Don stated this would have to part of the Budget approval process. This will be placed in the Resolution.

Adjourn:

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

Attest:

Chairman of the Board

DECEMBER 2, 2002
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 2, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Marian Clayton Deputy Clerk to the Board.

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

CR 262

Dave Robertson – submitted the original document; he will contact the firm in Grand Junction to follow up. Don discussed this with the County Surveyor and he reviewed the legal description – two roads – 256 and an unnumbered showing in 1961. The difficulty is for Don, it seems to describe portion of 262 however 1960's and the decree applies to this other road. Historical documents, State archives – we are proceeding.

COUNTY MANAGER UPDATE – ED GREEN

a. *Employee of the Month – Janey Dyke, Garfield County Landfill*

Marvin Stephens and Kraig Kuberry were present with Janey. Ed stated that four years ago, the Garfield County Landfill had a fund balance of less than one-half million dollars and was less than an efficient operation. Janey, Kraig, John and Jan rolled up their sleeves and helped us turn that enterprise around and today we have a fund balance of over two million dollars. We have an excellent environmental and engineering plan in place, we have a viable and efficient recycling program and we have excellent control of our financial aspects. Janey has been an integral part of that transformation and aside from having meaning contributions at work, she's just a pleasure to have around. Ed said it was his privilege to acknowledge her as Employee of the Month.

b. *2003 Holiday Schedule – Resolution*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the Resolution as presented for the holidays and work weeks; motion carried.

c. *Award Bid to Groth Construction for remodeling the first floor (Courthouse) restrooms in the amount of \$38,202.00*

Richard Alary and Tim Arnett were present. To bring the bathrooms up to ADA standards is \$38,202.00 – this is the first floor only.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid to Groth Construction for remodeling the first floor restrooms in the Courthouse in the amount of \$38,202.00. Motion carried.

d. *Award a Service Agreement to Cardiff Cleaning Services to provide custodial services for Garfield County Courthouse, Courthouse Plaza, Mountain View Building, Cattle Creek Road and Bridge Facility, Henry Building, Garfield County Courthouse Annex, Taughenbaugh Building and the two new Rifle Road and Bridge Facilities. The total amount of this agreement shall not exceed \$191,700.*

A motion was made by Commissioner McCown and seconded by Commissioner to award a service agreement to Cardiff Cleaning in the amount of \$191,700.00 as presented; motion carried.

e. *Sign a service agreement with the consulting firm of Northwest Colorado Consultants, Inc. for the not-to-exceed price of \$28,400.00 to provide engineering and environmental tasks at the West Garfield County Landfill.*

Marvin Stephens and Tim Arnett were present and described the situation. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chairman to sign a service agreement with the consulting firm of Northwest Colorado Consultants, Inc. in the amount of \$28,400 to provide engineering and environmental tasks at the West Garfield County Landfill; motion carried.

f. *Award bid to Frontier Truck Equipment for providing a Maintainer Lubrication Service Body mounted on a Mack MV322 Cab Over for \$118,794.00*

Ed Green said this is the only bid they received. Tim and Marvin gave the details of the bid.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Frontier Truck Equipment for providing a Maintainer Lubrication Service Body mounted on a Mack MV322 Cab Over for \$118,794.00; motion carried.

g. Award bid to Sandy's Office Supply for supplying office supplies to various County facilities

Mike Husselog from Sandy's and Tim Arnett presented the bids saying they were sent out to five office supply companies. Bidding the office supplies out is a State mandate.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid for supplying office supplies to various County facilities to Sandy's Office Supply; motion carried.

h. U. S. Bank – Authorization – Jail, Courthouse and Road and Bridge Facility Mortgages

Jesse Smith explained these were payments the County has to make twice a year to U. S. Bank in the amounts of \$637,975.00 and \$370,375.63.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to pay the contracts to US Bank in the amounts of \$637,975.00 and \$370,375.63; motion carried.

i. Schematic – Funds In and Funds Out – General Fund

Ed handed the schematic and explained this was after Jesse's discussions with the Sheriff elect and basic reduction in the general fund distribution from about \$20,100,000 to \$18,800,000. As mentioned in the budget discussions the \$18.8 will probably go down even further because of vacancy savings considerations as well.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Consideration/approval of agreement for Medical Health Services (Garfield County Jail) – Correctional Health Care Management, Inc.

Dan Hall was present. Don explained and Dan described this was for 24 hour per day for the entire year for medical services for the jail inmates. \$32,135.25 per month. They have been providing these services since 1997.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Agreement in the amount of \$32,135.25 per month for the medical services for the year 2003; motion carried.

b) Consideration/approval of Resolution vacating portions of public right-of-way otherwise known as County Road 162 and acceptance of new public right of way for County Road 162

Mark Bean showed the Commissioners a plat depicting the new public right of way for County Road 162. Don explained that the Board originally approved this as part of an exemption request but it's been a long time ago and wanted to bring it back to the Board to reconsider and take final action. What I need is a motion authorizing the Chair to sign a Resolution vacating a portion of County Road 162 as described and accepting a deeded right of way for the current location of County Road 162 and signing the amended exemption plat.

Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.

c) Consideration and authorization for Chairman to sign Resolution providing financial support to the Roaring Fork Transportation Authority

Don explained there was a request a few weeks ago from Dan Blankenship for funding of \$25,000 for RFTA from the County this year. Don was directed to prepare an agreement as otherwise been termed to be a grant. However, in doing this with Renee Black, RFTA's attorney, he discovered there is still an existing Ordinance adopted that provided for the specifics for the County's relationship with the RFTA's predecessor and under that Ordinance there is a specific provision that allows the Board to provide financial aid on an annual basis as the Board determines. In the first year of the Ordinance specifically stated that the Board would not provide any financial aid. After brief discussion with Renee Black and review of the original IGA, Don thought it would be more appropriate to simply go under the existing Ordinance to provide funding by Resolution and not change any of the terms of the existing Ordinance. Don received a communication from Renee Black on the 26th of November asking that we do in a Resolution indicate that "that the Board of County Commissioners does not desire to limit the number or location of stops within Garfield County." The existing Ordinance provides specific stops, which the Board approved in the County and following the direction to Don, he informed Renee's office that the County will not make this alteration and leave the stops as currently existing and it would require a specific amendment to the Ordinance to change those locations. Don recommended the Board go forward with this Resolution that authorizes funding provide the \$25,000 to RFTA and then discuss stops, locations, and other changes to that Ordinance in more detail later.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go ahead and approve the financial support to the Roaring Fork Transportation Authority per Resolution in the amount of \$25,000 as described by Don DeFord for the year 2003; motion carried.

EXECUTIVE SESSION – Litigation Updates on three pieces of litigation updates and a County Road issue

Marvin Stephens, Jeff Nelson, Randy Withee, to remain for the County Road issue, Ed Green, the Board, Don DeFord, Carolyn Dahlgren and Marian Clayton for Mildred Alsdorf were asked to be included in the session.

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

COMMISSIONER REPORT

Commissioner Stowe – CCI in Colorado Spgs.

Commissioner McCown – First meeting in a series of meetings with the Forest Service, BLM, DOW on our Access Committee that we're trying to bring back to life. There was an apparent interest and need for this and the next meeting will be held on January 14. There were five at-large members on the Committee when it went away in 1990. Larry will contact those members to see if they are willing to continue to serve or trying to come up with new members. Wednesday, December 4, Open House – Public Health in the Mountain View Building from 4:00 P.M. to 6:00 P.M.

Chairman Martin – Mac Meeting on November 19, took an inventory on what was purchased through the grants the County received and also a demonstration on how to use the equipment and a follow up on how to use it with the first responders, Road and Bridge, Public Health; CCI on the 21st – tax strategy sub-committee – eight items to work on for Legislation, review and will try and work within all the guidelines that are in place currently, but still need input on the subjects of: unfunded mandates, Tabor, Gallagher, 5.5% limitation, Processor Interest and contacting the Assessor's Association, Sales and Use Tax, Oil and Gas Evaluations and Conservation Easements – the pro and con and will try to work this in to where all the counties are up-to-date. Oil and Gas was discussed the next day from CCI, COGO was there, the industry representative as well as the Oil and Gas Commission was there, seven counties were representatives and through that four items were put out for discussion on rule changes, three of the four were agreed upon by all parties present. There's a request on December 6 to go before the Oil and Gas Commission for these rule changes. We'll be supported both by COGO, the industries and the Counties that were represented. There was one item put on hold for further discussion, the committee is doing well and relationships are growing and we can understand a little better on each side of the table what's taking place. This will be discussed at Winter Conference on the new rule changes. A copy of what was agreed to was submitted to Commissioners Stowe and McCown.

CONSENT AGENDA

- a) Approve Bills
- b) Authorize the Chairman to Sign the Amended Plat of Parcels 2A and 3A, Tassada Exemption Plat
- c) Authorize the Chairman to sign an Acknowledgment of Partial Satisfaction Improvements Agreement for the Roaring Fork Preserve Subdivision
- d) Authorize the Chairman to sign an Acknowledgement of Partial Satisfaction Improvements Agreement for the Rose Ranch PUD Subdivision

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - d; carried.

REQUEST FOR AN OIL AND GAS LOCAL GOVERNMENT DESIGNEE – WESTERN COLORADO CONGRESS

Mark Bean, Mary Ellen Deming and Peggy Utesh were present.

The local designee has been in their rules for the last four years. Mark Bean has been doing this job for the last four years. The County spent about \$20,000 regarding the 20-acre spacing hearings. Part of that had to do with County intervention. How many wells have been drilled, are they in compliance, where have they been drilled, etc. This is not a citizen's issue to raise. They are currently the watchdogs for the rules and regulations. It is not the State's position to inform us where these wells are going to be placed. The two individuals that are here may be eliminated in the budget cuts by the State. The duties of a local position would be primarily to take care of our County, supplying citizens with information to provide first stage of production, what and where the equipment is installed, how many are producing new wells, plans for other wells. This could give us good information about what tax year and ad valium tax is due on a particular piece of equipment, it is here, is it using, when is a new well installed, when is it producing – you don't know those things unless someone is overseeing that particular type of things. Finally, as we speak, the

State of Colorado is now working on what she believes usurping another small nitch of the County government's right to regulate and that has to do with the gas plant facilities. They are now voting to have that put under the jurisdiction of the COGGC, which gas plant facilities would include the building such as Williams gas plant, and the County will no longer have the jurisdiction over that and we do not have a representative.

Peggy Utesh – Silt – approximately 118 people attended the forum and there was a demonstrated need for a full time LGD. Some had been victims of leaky wells. Ken Call stated that Garfield County could pay for the LGD if someone was collecting the taxes. The group has demonstrated the need and has supported the financial commitment by ways.

Commissioner McCown maintained there was a lack of advertising that there is a LGD at the Parachute Office that are working for COGGC and perhaps to put that in the County Directory so people know who to call. He doesn't accept the excuse that Mark Bean was too busy to call so I didn't bother to call him. Call him and if you don't get a response, then you've got a legitimate grip. He agrees that there may need to take a closer look taken at the royalties and the Ad valorem tax and Mr. Call may not have privy to it but the County Assessor, Shannon Hurst is doing just that. She has hired a ½ time person that is going to be devoted solely to the oil and gas industry in addition to another FTE that she has in the office that works specifically with the oil and gas industry. He said he would support money for a consultant, much as Ms. Deming as she is working with other landowners in the Parachute/Rulison area on recovering their royalties. He would see Garfield County's position, she is on the ground doing the work anyway, and she is reviewing everything west of Rifle and maybe even west of Silt. Why not contribute to her, not reinvent the wheel with another person that's going to take a year to a year and a half to be brought up to speed as a contract.

Mary Ellen stated they would be open to that; she has been hired to be on the Kerr McKee case on the Front Range in Loveland. She would be open to a consultant position and it doesn't have to be a County employee. There are needs and whether it's an employee or a consultant that handles that type of stuff, but she believes it is the County's responsibility.

Commissioner McCown – added it may be, but there are going to be such limited powers that go with this local government designee position that he feels sorry for that individual should it be created.

Peggy argued the point of powers; if this individual doesn't need to have powers, they can go out and see the reclamation hasn't been accomplished, or if they see there's been a toxic spill that happens, that's the County's responsibility. The person would come back and report to the Board that there's been a toxic spill that was never dealt with or other things in the regulations that haven't happened, and it is either Garfield County or the State Patrol's responsibility that have the power to do something about it. This is an individual who takes care and sees what's going on and then reports to those in power.

They are envisioning a position of oversight rather than a position of enforcement.

Peggy gave the questions asked at the Silt forum meeting that were not answered to Mark Bean and to the Board.

Chairman Martin said the Board is taking a pro-active stance. We've gathered the gas producing Counties together as well as COGO as well as the industry, oil and gas association, we're meeting on a quarterly basis and proposing some changes on rules, January 6, at the Oil and Gas Commission hearing and thinks this should please many individuals that these talks are occurring and working out problems that exist but are using the rules that in place and just making rule adjustments. No legislation is being proposed at this time.

AMENDMENT TO GORDON AIRPORT LEASE

Brian Condie and Dave Gordon were present. Carolyn submitted a new legal description and map showing the changes. A new Exhibit A and C were submitted that shows the legal descriptions.

Brian provided the Board with an update stating they are in compliance and has submitted the insurance and proposed construction and said they are still in compliance; and recommended that the Board could proceed.

Dave Gordon added that this increases the amount of space, improves more of the ramp and the land lease will mean \$1,000 extra before swapping the properties.

Jim Hybarger – Manager at the Jet Center – the ramp, although public, is right in front of his hanger. Dave will have to build a good size ramp onto the existing taxiway. He would like to see, until this VOR, no more leases accepted of this size until a report back from the authorities as to where and what they can build.

Brian Condie stated the VOR and the unusable space, Scott Frederickson and Chris Shaffer said we're going to resubmit the plan again to Washington and see what the new computer model says. Working with the FAA is like going to your parents – it depends upon which one you ask as to which one you get approved. We're going to resubmit a new building plan and wait and see. As to not giving out any new leases of land until it comes back, the 74-60 plan, the ALP is approved by the FAA for future building and they have given some consideration to that, but every lease we give, gives the opportunity to lease another section if available for any reason beyond reasonable control. The FAA has looked at the plan and has approved them and in the past we made the Flight Department move because it was not an acceptable building and now three years later they are telling us submit it again with the new building, which might be different and we'll see if it can get approved. If not, then we will proceed to obtain their written recommendation to close that land as to building and that will tell us the direction to go. This has locked us up; there has been several people wanting to build but we can't tell them where they can build right now because of the uncertainties.

Commissioner McCown asked about a time-frame. Brian said Wal Mart just submitted their 74-60 and it was done in 3-weeks. That is off airport. On airport might be different.

Mr. Gordon has in plans to build 150 x 150 building on that site where Chris Shaffer said was a dead zone and you could not build. property is one of two properties to build large hangers for them to look at building in the future.

Jim Hybarger stated that Mr. Gordon's property is one of two properties left on the airport that are reasonable for a good sized hanger, and are once again alluding to a 200 x 200 x 60 building. There's only these two properties in ALP now that are eligible, according to the FAA, without the VOR plan in there. These are the only two properties we can look at for construction in the future.

Commissioner McCown summarized that according to Brian, the best interest of Garfield County Airport long and short range would be to recommend the Board move forward with this 3rd amendment to this lease.

Brian Condie stated he is proceeding as if Gordon has constructed his buildings two-years ago. If he constructed them two-years ago, then the Flight Department wouldn't have another option but to move and separate their business, which is not ideal. The big box hangers need to be on the flight line and small hangers on the back. The ALP did show small box hangers right next to the Flight Department so that is approved. Brian's recommendation is to hold Gordon Consulting to the original lease and time frames. This amendment does not change those time frames, doesn't change the lease, just swapping the parcels of giving us a little additional income up front. He has until the 31st to start construction; if they do not start constructing the hangers by December 31, 2002 then they have, either from Brian or from the attorney's office a 30-day written notice requiring remedy of the default. If in 30-days they have not started construction, Brian's recommendation is to terminate this lease.

Carolyn Dahlgren noted that Mr. Gordon is in compliance presently.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe we approve the 3rd Amendment to the Land Lease and Agreement with Gordon Consulting Group and the Chair be authorized to sign; motion carried.

2002 BUDGET AMENDMENT

Don DeFord determined notification was in order.

Jesse Smith submitted the proposed amendment number ten.

Commissioner Stowe moved to approve the 2002 Budget Amendment

Commissioner McCown stated we are defeating the line item budget – fire, advertising, new computers for new space - \$4000. This is a blatant disregard for the line item budget. Going on record, he's not going to be as easy next year as he has been this year.

Ed assured the Board that all department heads have been warned about this. We have seen the benefits of line item budgets.

Draft Letter – Red Feather Ridge

The Board reviewed the draft letter presented by Don DeFord. It was determined that the letter was not sent on November 7, 2002. The data was received with applications after the letter was drafted, therefore, it did not go out. Drainage issues were determined to be needed and incorporated in the letter that will go to the City.

Chairman Martin added that the road itself should be annexed in from the development to the City limits, and the drainage plan should be followed and held to it. The State Statutes need to be followed, and that is the entire parcel be annexed and not just a select portion of that parcel. The entire subdivision should be

annexed. There is one lot excluded and that needs to be taken back in, as well as access to that particular spot which is an emergency access for emergency services and does not meet the requirement and was not required because it wasn't designed to be an emergency housing area. That access needs to be redesigned, also the increase in traffic for the subdivision has tripled to what the County approved and we need to see transportation or traffic plan that will re-address the impact on that road both the north and south exits, turn lanes, disability, etc. We also need to see exactly the layout of the drainage retainage ponds and how it affects the open space that's being changed from open space to a graveyard and how that affects between the road and those drainage plans.

The Board agreed that a letter should be sent addressing these issues to City Council.

Commissioner McCown moved that a letter addressing the issues as discussed should be sent to the City Council of Glenwood Springs and that the chair be authorized to sign; Commissioner Stowe seconded; motion carried.

Executive Session – Potential Contract Negotiations – Airport and Outstanding Debt - Landfill

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

Brian Condie, Dale Hancock, Carolyn Dahlgren, Don DeFord, Marian Clayton and the Board were in the session.

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

Commissioner McCown made a motion that the Chair be authorized to sign a letter to Gordon Consulting that would go out on December 31st regarding their violation of lease should this happen.

Carolyn added a request that this be a 'notice of default'. Commissioner McCown changed his motion to reflect a notice of default. Commissioner Stowe seconded; motion carried.

HISTORICAL PRESERVATION

Judy Hayward – Grand Valley Historical Society – grant application to the DOLA. Judy referenced that she was before the Board in October saying they need the County's support to pursue this historical preservation grant, however there was never a formal motion supporting this grant application. The grant funds will be used to restore the Battlement Mesa School House. Judy is requesting the Board be the applicant on their part. The County is the applicant but they still need to prioritize the applications.

Judy gave the history saying before the historical society had it; Roger Ludwig applied for funds for senior housing. That didn't materialize, but this time it is. The application needs to be in her hands by Wednesday, December 4, and the cost is \$311,000 for the renovation, interior and exterior including parking. They are asking \$200,000 from DOLA. \$10,000 will come from the historical fund and they will ask more for the historical part of the school – i.e. doors, windows, etc. There will be a matching obligation by the historical fund of 25% and the Board of the Historical Society has said they will be raising this money – they need \$20,000. They are \$100 shy of having \$9,000 of that at present. Judy said she is not asking any money from the County. There will be in-kind contributions as well but these haven't been organized. There are over 150 members of the Historical Society and 1/3 live outside the area; they are alumni of the Grand Valley High School.

Commissioner McCown said the Board needs to see the grant because Garfield County is the applicant. Carolyn will look this over during lunch and make a recommendation. Sue Snyder of DOLA is working with Judy Hayward.

Don assessed the grant application and stated the County is authorizing to be the financial manager for the grant and he would look more closely at the language. As to funding sources, the project cost is approximately \$302,000 plus the \$10,000. There's no indication that Garfield County would be a contributor but there's a huge gap between the grant allocation request and the \$30,000 to be provided by the Historical Society. Judy has stated that the difference will be from in-kind contributions, fund raising, grant from the Historical Society as well as the Grand Valley Historical Society.

Don represented to the Board that if they wanted to go forward, the Board would need to authorize the signature of the Chair to sign. Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

Red Feather Annexation - Continued

Don DeFord requested a quick discussion regarding the Red Feather Annexation and that the Chair had raised an issue regarding annexation of a subdivision that has been split as part of the annexation process. It may not be good practice, he can find a literal statute on it that, and wondered if we could limit our comments simply saying that the Board opposes such a split rather than citing a specific Statute. One thing

Don did find and brought to the Board's attention that when they annex now and this is a fairly recent addition within the last two to three years, when they annex within their 3-mile sphere of influence, they are supposed to actually have a "facilities improvement plan" that includes water, sewage, parks, roads and Don said he wasn't aware that Glenwood has that and they should if they are going outside their urban boundaries, so he asked that he be allowed to include that in the comments.

Commissioner McCown clarified that this was inside their sphere of influence.

Don confirmed that to be correct and stated they were supposed to have a major street plan and a facilities plan although they can still provide the municipal services.

Chairman Martin stated this needed to be on file with the State of Colorado and the County.

Don said with the County for sure.

The Board concurred that this was a good point and the additional comment should be included in the letter.

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR THE STORAGE OF A COMPANY TRUCK WITHIN AN EXISTING METAL STRUCTURE. LOCATION: 1912 COUNTY ROAD 311, NEW CASTLE. APPLICANTS: GUY MIDDLETON AND PATTY GRACE

Carolyn Dahlgren, Patty Grace and Tamara Plegl were present.

Carolyn determined that proper notification was timely and in order and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Staff Report dated December 2, 2002 and Exhibit F – Application Materials.

Chairman Martin entered Exhibits A – F into the record.

The applicant requests approval for the storage of a Canberra Concrete Pumping truck and associated pumping equipment within an existing metal structure on the subject property.

Tamara reviewed the project information stating this will be located on a parcel 4.2 acre in size. She reviewed the background of the proposal, the review criteria for Conditional Use Permits, staff findings and the recommendation of conditions:

Staff recommends that the Board approve the Middleton/Grace conditional Use Permit for the storage of a company truck and associated equipment within an existing metal structure, subject to the following conditions:

1. All representations of the Applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless specifically altered by the Board.
2. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, and the Colorado Department of Public Health and Environmental standards.
3. Only one (1) Canberra concrete Pumping truck with a concrete line pump mounted on the back truck, and associated equipment, shall be stored within the metal structure during all times.
4. The Applicant shall submit and receive a sign permit for the existing sign. The sign shall comply with county requirements for signs in the A/I Zone District. Shall the sign permit not be approved; the sign shall be removed immediately.

Patty Grace did not have any further comments

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for the storage of a company truck within an existing metal structure for Guy Middleton and Patty Grace with the 4 conditions recommended by staff; motion carried.

CONTINUED PUBLIC HEARING TO CONSIDER APPROVAL OF A SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING. APPLICANT: DAVID HICKS

Carolyn Dahlgren, Mark Bean and David Hicks were present.

This was continued on August 5, 2002 until today. Mark submitted Exhibits A – F at that hearing; today he submitted Exhibit G – Staff Memo dated 11-26-02 and Exhibit H – Water Service and Pipeline Easement Agreement with the Town of Carbondale. Chairman Martin entered Exhibits G and H into the record. Mark explained in a written report to the Commissioners the major issue surrounding the approval of the proposed Special Use permit as the legal and adequate source of domestic water for the two dwellings. At the August hearing, Mr. Hicks stated that he had a well permit for the 35 acre track that the two-family dwelling is located, but he was unwilling too state that the well could be drilled and supply water to the

residential units in the structure. At that time the Hicks and the Town of Carbondale were in the middle of litigating the issue of whether or not the Hicks had unlimited use of the Nettle Creek water from a water line that runs through his property. The Town and the Hicks reached an out of court settlement regarding this issue in early November. Mark summarized the number of limitations included in the agreement. Based on the water service agreement, staff can say that the Hicks will be able to provide water to the proposed two-family dwelling from the Town of Carbondale waterline. While this addresses the legal ability to provide water, it will be necessary to address some additional issues regarding physical adequacy of the supply. However, based upon the proposed water supply from the Town of Carbondale, staff recommends that the Board approve the Special use permit for a two-family dwelling with the following conditions of approval:

1. All representations of the applicant in the application and during the public hearing shall be considered conditions of approval unless modified by the County Commissioners.
2. Prior to the issuance of the SUP, the following conditions shall be met:
 - a) A water sharing agreement needs to be drawn up between the Hicks and PCI LLLP that describes the rights of the 35 acre tract with the two-family dwelling, to receive water from the Town of Carbondale waterline, in an amount not less than 700 gpd and a quality consistent with the CDPHE community water supply water quality standards. A copy of the recorded agreement shall be presented to the Planning Department.
 - b) A legally described water line easement will be described between the waterline coming off of the Town of Carbondale waterline and the 35 acre tract on which the two-family dwelling is located and it will be recorded in the Garfield County Clerk and Records office. Also incorporated into the agreement by reference will be the Water Service and Pipeline Easement Agreement with the Town of Carbondale. A copy of the recorded easement shall be presented to the County Planning Department.
3. The dwelling units in the two-family dwelling shall not be conveyed separately, unless a subsequent approval of the subdivision of the structure is approved by the Board of County Commissioners as a result of complying with the applicable subdivision regulations.
4. This permit is approved based on the legal and physical supply of domestic water to the two-family dwelling being from the Town of Carbondale water supply. If the water supply for the property is converted to an on-site well at a future date, the owner of the property will submit the following information and meeting the criteria noted, to the Planning Department for review and approval, prior to disconnecting the two-family dwelling from the Town of Carbondale supply:
 - 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) 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;
 - d) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - e) 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.
 - f) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Mark suggested since the water will be supplied to the two-family dwelling line from a water line that crosses over a severed property that's owned by the Hicks, is it also appropriate to have a legal inscribed water line easement from the 35-acre tract to the waterline serving the property, a water sharing agreement also needs to be drawn up between the Hicks and PCI which is the limited, the LLLP corporate that was put together for the ownership of the 35-acre tract that describes the rights of the 35-acre tract with the two-family dwelling, to receive water from the Town of Carbondale water line in an amount not less than 700-gallons per day and guaranteed to go with the property ownership since there is no assurance or guarantee that Mr. and Mrs. Hicks may choose sometime in the future to sell the property to some other individual and we're relying at this application time that there be water to that property and based upon the Town's water supply. Also, if they should decide to store water on the site through the use of a storage tank, there is the potential for water quality to be compromised; if storage is used, the water coming out of the tank needs to be treated to make sure that it continues to meet the Colorado Department of Public Health and Environmental standards for Community Water Supply. This goes to the issue we've seen down in the

Rifle area in the Beaver Creek area where the State has concern about the non-treated water and that case going to a supply, in this case there's a potential for what was previously treated water perhaps not coming out and meeting the same standards that would be required if it were to come directly from the line itself. Mark stated he would also like to suggest that the Commissioners add Condition No. 5 saying that "once the Board makes a decision regarding this Special Use Request, staff will provide the applicant with a signed Resolution memorializing the action taken by the Board following the Board's approval, this office will issue a Special Use Permit to the applicant and the Board's approval includes specific conditions of approval to be met. This office will not issue the official Special Use Permit Certificate until the applicant has satisfied all conditions of approval. And the Special Use Permit approval is not finalized until the office has issued the official Special Use Permit Certificate signed by the Chairman of the Board of County Commissioners." Mark said specifically what he would be referring to here would be the water line easement as well as the well sharing agreement that would need to go between the two properties. Commissioner McCown said, if the Hicks decide to store water and we're having to make sure it meets the standards for a community water supply, he didn't think a two-family dwelling unit would qualify unless something is changed in the community water supply source. There has to be a number that triggers that drinks from the water supply daily and two-families would not trigger that. Mark agreed he was correct in terms of yes it is 15-dwelling and/or 25-people that qualify the community water supply system, but since this is presently a community water supply, they are suggesting that it stay at that minimum since the people that will be purchasing, or drinking this water will rely on it meeting those standards.

David Hicks stated that Mark covered the proposal very well as far as drafting the easements and the water sharing agreement, that's fine. He agrees with everything.

Commissioner McCown alluded to some testimony the first time around on the problem off all of this water making itself available for the ¾" tap.

Mark said they are still required to use a ¾" tap, once it goes beyond the property and perhaps, the pipe itself could be increased, the bottom line is there will be a meter at the point where it comes off and they will be limited to a maximum of 100,000 gallons, 50,000 free and 50,000 paid in any one month. How they get it beyond the meter is at the Hicks discretion.

Commissioner McCown questioned 100,000 gallons going through a ¾" pipe.

David stated the line as it's currently installed back in the 70's pipe is 1 ¼" coming up through the hay field to the old ranch house and from there he ran 2" to the other buildings that he's added. The system is configured and they have not had a problem getting water to the residence.

Carolyn noticed on the agreement, some references were made to several entities, page 10 – 11- 12, mistakes unnoticed, per David. – LLLP still owns the property.

Mark Hamilton, Attorney for the Town of Carbondale, stated the agreement entered into with David Hicks has a delivery point specifically at the ¾" hole onto the Town main and beyond that point, storage, pipelines, quality, anything is up to Mr. Hicks. The Town has a concern that should the units in this duplex be sold in the future that those folks be adequately notified of the circumstances under which they will be receiving water. A properly crafted well-sharing type agreement as suggested by staff is intended to serve that purpose and to be clear on the record, as far the Town of Carbondale is concerned, out obligation to deliver the amount of water ends at the tap. The Town does not have any responsibility to provide water for irrigation and perhaps this needs to be spelled out as well.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the special Use Permit for a two-family dwelling for David Hicks with the 4 conditions and the added Condition No. 5 as stated by Mark Bean and recommended by Staff; motion carried.

REQUEST FOR APPROVAL OF A PRELIMINARY PLAN FOR THE SUBDIVISION OF A 13.36-ACRE TRACT INTO TWO TRACTS. APPLICANTS: JERRY AND MARY SATTERFIELD

Fred Jarman, Barbara Burwell Attorney, and Monica Smith, daughter of Satterfield's were present. Carolyn reviewed the noticing requirements and the information submitted by the applications. A determination was made that they were timely and in order and the Commissioners were entitled to continue. Chairman Martin swore in the speakers. Fred Jarman submitted the following Exhibits: Exhibit A – Proof of Mail Receipts and Posting; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Garfield County Subdivision Regulations; Exhibit F – Staff Memorandum; Exhibit G – Application

Materials; Exhibit H – Referral Comments from the Road and Bridge Department to the Building and Planning Department dated October 17, 2002; Exhibit I – Letter from the Division of Water Resources to the Building and Planning Department dated October 17, 2002; Exhibit J – Letter from the Grand Valley Fire Protection District to the Building and Planning Department dated October 25, 2002; Exhibit K – Water Supply Plan produced by RG Consulting Engineers dated March 29, 2002; Exhibit L – ISDS Report produced by RG Consulting Engineers dated April 1, 2002; Exhibit M – Surficial Geology Report produced by Kupelian Engineers dated March 25, 2002; Exhibit N – Final Drainage report prepared by RG Consulting Engineers dated March 25, 2002; Exhibit O – Letter from the Division of Wildlife to the Satterfield's dated April 4, 2002; Exhibit P – Vegetation Report from Steve Anthony dated May 23, 2002; Exhibit Q – Letter to the Building and Planning Department from the Colorado Geologic Survey dated November 4, 2002; Exhibit R – Agreement concerning acreage encumbered by well permit #117197, submitted to B & P on 11/13/2002; Exhibit S – Assessor's map of the Applicant's property and surrounding properties; Exhibit T – Letter to the Board of County Commissioners from Fred Koster dated 11-19-02. Chairman Martin entered Exhibits A – T into the record.

Fred summarized the project information and staff comments saying this is a request for a two (2)-lot subdivision on approximately thirteen (13) acres. The parcel lies south of the Battlement Mesa PUD along County Road 3306. The parcels will have 11.24 acres and 2.12 acres.

The staff recommendation is to continue this until January 13, 2003, even though the Planning Commission did recommend approval. There are three outstanding issues to clarify and this provides the applicant 45 days to complete the process.

The applicant's attorney did not have any objections and agreed to continue even if it was outside the Public Testimony was taken:

Fred Koster – 0289 Sagemont Circle, Parachute – a 20-year landowner and this parcel is adjacent to his parcel. He is not adverse to any kind of subdivision per se; people want to live in the rural area for space. This is a rural area and all the past development on Wallace Creek has been rural development. There are now about 25 homes on Wallace Creek. There is no on-the-road development – all have been 25 – 25 acre and feels this development will damage the “rural” value on his property. The 2-acre parcel will be next to the road and not only is good for him, but it's not good for someone else. There's better areas where 2 acre parcels could be developed. The planned subdivision allows the development 10' from his property line. It is closer to him than any other is. He is asking for more space and asked for a 200' setback from his property line, barns, sheds, driveways, houses, etc. This particular slice is not good for Wallace Creek and for the rural lifestyle. The plat before the Board, the southern border has been surveyed several times. He questioned the surveyor's and went all the way to the State level in multiples. This survey is on record with the County. These barriers and distances do not agree and requested a legal description that is not clouded. They have temporary fence lines between Satterfield's and Koster and agreed these were not on the line. If the fences need to be changed, then do it now. Does not want another legal document that doesn't agree with part present.

Commissioner McCown – inquired if the survey he referred to follows this survey. Fred Koster said no. Commissioner Stowe made a motion to continue this until January 13, 2003 at 1:15 PM. Commissioner McCown seconded; motion carried.

REQUEST FOR AN EXTENSION TOO FILE AN EXEMPTION PLAT FROM THE GABOSI EXEMPTION #2 FROM THE DEFINITION OF SUBDIVISION. APPLICANT – ROC GABOSI

John Tauffer stated they have proceeded to drill two wells.

A request was made to the Commissioners for a one-year extension to complete the conditions. The Board granted the extension until August 5, 2003 by motion made by and seconded by

Commissioner McCown made a motion to grant the extension until August 5, 2003; Commissioner Stowe seconded; motion carried.

ADJOURN

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

Attest:

Chairman of the Board

DECEMBER 9, 2002
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 9, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

a. 2002 Employee of the Year – Jim Mower, Motor Pool

Judy Osman, Fred Jarman, Mark Bean, Georgia Chamberlain, Sandy Horn, Marvin Stephens and Karen Mulhall were present for the award.

Ed said that Jim Mower is in charge of our County Motor Pool. Jim has done a superb job of organizing that function turning it into a viable motor pool fund. Marvin Stephens said that he was real proud of Jim and the manner in which he handles his work. He basically works on his own and unless he has a monumental problem, he rarely seeks assistance. He's been an employee for 2 ½ years. Jim said he couldn't do it without everybody's help.

b. Corrective Action Activities – Rifle Road and Bridge Shop

Randy Withee gave the report giving the activities and results of the ground water monitoring. He reported on the future and the budget and the total cost of the correction activity is \$59,400.

Silt Clean Up – Ed reported on the two additional wells in Silt and 1-325 – first extraction will be in March/April. The total cost is estimated at \$20,000.

c. Disability, Short Term and Long Term Insurance – Jesse submitted a report to the Board and went over the bids for the disability insurance, 4 companies bid on it. Claims. \$11,000 was paid in Short Term Disability in the year 2001. Jesse stated the RFP was sent out to seven companies and four bid on it. He explained the package and recommended we go with Signa. Signa's quote is for administrative services only. Signa doubled the claims from last year and went in at the basis of a \$23,000 claim and gave us a cost under their program for this amount. The Long Term Disability – we would be self-insuring the actual claims under the Short Term; Signa has estimated and placed in there \$75,000 that we would actually be paying this year \$23,000. So taking this analysis, we could have claims that would total \$40,000 before we would exceed the premium of the other three companies. Jesse recommended that we go with Signa, go ahead, and self-insure the Short Term Disability and the only way Jesse sees us going over the quotes of the other three companies is if there were some real catastrophes affecting more than one person. Ed explained that the \$23,000 was a credit. Jesse said we could go up another \$14,000 in claims before we would exceed the bids of the other companies. They have built \$23,000 of us paying out of pocket into the \$75,000. If we do not pay the \$23,000 then the \$75,000 will be less. Their administrative fees are guaranteed for two years on the short term, three years on the long term. They will not surcharge us if our claims go to \$50,000. Signa has much better coverage than Unum, which we currently have in place.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the contract for Contract for Short Term and Long Term Disability with Signa in the total amount of \$75,219, \$23,000 of which is refundable back to the County; motion carried.

Out-of-State Travel – Human Resource Conference

Jesse presented. Judy and Jesse have an opportunity to attend a Human Resource Conference sponsored by the Society of Human Resource located in Washington, DC. that pretty much all governmental agencies belong to. They hold an annual conference. It has an extensive education and exposition agenda. They travel around the country and this year it is in being held in Las Vegas. Judy has requested to attend; she will drive her own car and pay her expenses because she would take her husband as well. Jesse is not sure if he can attend, it depends upon scheduling events. However, he would also drive his own car. It is a 4-day conference and is scheduled for April 2003. There are about 6,000 who attend every year. Jesse said this is definitely something that Judy should attend due to the networking and the educational opportunities that's involved. The cost is unknown at this time but this conference is one that you have to register early in order to stay anywhere near where the conference is held.

Commissioner McCown suggested that Jesse bring this back to the Board and they can actually approve the expenditure when the cost is known.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Set Bond Amounts for Elected Officials

Don stated that most of the bonds are established by Statute except for the Treasurer, and the Commissioners need to establish the amount for that bond. It's a two-fold bond and that is a very low amount for a Treasurer's office, but we have insurance and the bond has not proved to be an effective tool in the past in any event because the bonding companies are determined that they will eventually hold the elected officials personally responsible on that bond and this makes it very difficult to proceed on it. In the past, we have set by Resolution the bond at \$5,000. Georgia Chamberlain stated she and Mildred had discussed some additional insurance. However, the Board of Commissioners is held responsible at the end of the day. Don said there have been a few incidents in the State where some collection has been received. In those cases they've had sizable collections on insurance. Mildred stated the Clerk's all others are set by Statute including the Public Trustee. The Treasurer is the only one the Commissioners set the bond amount. This needs to be in place by January 1, 2003 whereas the others do not begin until January 14, 2003. The bond for other elected officials are usually \$25,000.

Don framed the motion saying he would like the Chair to be authorized to sign the Resolution setting the Bond at \$5,000 for the Treasurer and authorizing the Clerk to procure other bonds for elected officials in their statutory minimum amount.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set the bonds for elected officials and the Clerk to move forward and set bond for the other elected officials; and the Chair authorized to sign the said Resolution. Motion carried.

b. Executive Session

- i. Litigation Update
- ii. Legal Advice Procurement Code
- iii. Legal Advice – Liability and Insurance for Healthy Beginnings
- iv. Ed's – Personnel involving 3 individuals and one policy and Direction from the Board on Disbursement of Funds

Regarding the personnel issues, Ed said the individuals have not been advised. Don stated then it was not appropriate to discuss these issues until they were advised of their right to have it discussed in Executive Session or in open session.

- v. Carolyn has an issue to discuss involving with Road and Bridge and requested this be included in the session.

Mark Bean to be present for that segment of discussion.

Don requested Road and Bridge be present for his discussion on the procurement code issue and also need to have Denise Young present on the liability insurance issue.

Others needed for the session include: the Board, Don, Carolyn, Mildred, Ed and Jesse.

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

Action - Consideration – Acquisition of Insurance for Healthy Beginnings

Don requested direction from the Board concerning procurement of liability insurance for protection of Healthy Beginning program.

The Board so instructs to go ahead and to seek that minimum insurance requirement in the amount of \$50,000. This was the consensus of the Board.

COMMISSIONER REPORT

Commissioner Stowe – Healthy Beginnings Board at noon on Thursday; Community Corrections – Noon on Thursday.

Commissioner McCown – last week he attended the Mountain View Open House for Public Health; Meeting Thursday with the Forest Service Personnel discussing future plans for growth, expansion, consolidation, and various activities within the Forest Service. There is a power point available if anyone wants to look at what is planned. Open house at the new Road and Bridge tomorrow from 2:00 P.M. to 4:00 P.M. and Friday 10 A.M. to 4:00 P.M. is Associated Government.

Chairman Martin – attended the CCI Conference and felt that it was very informative with everything from the Social Services makeup and confirmed that Ms. Dahlgren's claim that we need to meet as the Board of Social Services and they've also requested that we consider changing Social Services title to Human Services title. We also found out that we are well ahead of most of the curve on Social Services issues and

requirements and that was a pat on the back. We received a lot of feedback on how progressive we are from everything to County Manager Association to Road and Bridge to County Commissioners and progress for other counties to follow. A Handbook for Social Services Requirements was brought back. The Transit Task Force for TPR in Frisco on Friday 10:00 A.M. to 2:00 P.M.

CONSENT AGENDA

- a) Approve Bills
- b) Liquor License Renewals:
 - i. Rifle Fireside Lanes
 - ii. Tolkien Tavern
 - iii. Dillon Companies, Inc for City Market #28
- c) Authorize the Chairman to sign Mylar for the amended plat for Aspen Glen, Lot D-1, Filing 1.
- d) Authorize the Chairman to sign the amended plat of Lots 2 and 3, Block 1 of the Elk Creek Development
- e) Authorize the Chairman to sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for the Clubhouse Cottages at Aspen Glen Subdivision
- f) Authorize the Chairman to sign the Monument Ridge Preliminary Plan Resolution
- g) Sign Williams Energy Division Orders
- h) Sign Department of Local Affairs Grant Contract for Garfield County Master Plan Revisions

Commissioner McCown requested (b)(1) be handled separately and that he be secluded. In addition, on item (d), Mildred stated she did not have the plat; Commissioner McCown included item (d) be admitted as well. A motion was made by Commissioner Stowe and seconded by Commissioner Martin to approve the Consent Agenda Items absent (b)(i) and (d); motion carried.

b(i) – A motion was made by Commissioner Stowe and seconded by Chairman Martin to approve item (b)(i) for Rifle Fireside Lanes Liquor License Renewal. Motion carried.

Recognition of Commissioner and Sheriff Leaving Office

Mildred suggested Monday, January 13, 2003 beginning at 3:30 P.M. be set for the Recognition Reception for Walt and Tom who will be leaving office and that the swearing in set for Tuesday, January 14 at 9:00 A.M.

Agenda Time Requested – Sid Lindauer

Sid Lindauer – requested time separate from the regular meeting regarding discussion on noise levels. Commissioners agreed it needs to be held during the regular Commissioner's meeting.

Road Impact Task Force – December 6, 2002 meeting minutes available.

CONCERNS REGARDING CARE – LARRY GREEN, BALCOMB AND GREEN

Larry Green representing a group of homeowners in the Elk Springs Homeowner's Association formerly known as Los Amigos. These concerns have been on going since it opened. They are two-fold – one the facility allows a number of dogs to be in the kennel and are a nuisance; two, the existence of the facility itself it a magnet for people getting rid of their dogs and they drop them off. As he understands the position, CARE was an intergral part of CMC and Garfield did not issue a building permit or a SUP for kennels. That conclusion was in error as far as they feel. According to the assertion, CARE is not an essential part of the college; rather it is a tenant and rents from the college. He presented a copy of the Agreement between CMC and CARE and in paragraph 2 all improvements shall comply with all building permits and licenses that apply. *Authority to Regulate the Kennel – Dog Shelter*

Larry stated that he has petitions signed by 47 different people who are owners of 23 properties and all believe that the kennel constitutes a nuisance in the neighborhood. The impact of Resolution 2—2-85, adopted several weeks ago setting new standards for kennels and under any given circumstances and concern by this Board, if you determine CARE be exempt, it would not be exempt from the new noise limits adopted by the Commissioners. The homeowners have met with the CARE staff and nothing has been done. Chairman Martin stated that the Sheriff has served complaints

Steve Smith – residence in Elk Springs – there is a court case that was dropped. Several more this summer regarding the dogs barking. There are two more cases are open and hopefully they will plea today. The Sheriff or the District Attorney has dropped the complaints. Some of the paperwork was not correct. They have supplied a 12-member petition submitted to this Board last year. None of the sound barriers, systems, etc. have worked. There have been 3-managers since it opened. They may have done something to mitigate the sound inside. Over a year ago, there was not insulation for noise. Nothing has been done in the dog runs outside. They need to have runs inside and sound barriers. The Court issue is today at 1:00 p.m. He has also met with CMC and CARE was to be told they could not hide behind CMC's skirts on this issue. The dog

pound has claimed poverty yet their tax statement shows \$6,450 profit. They aren't too poor to put in indoor runs.

CMC favors them following the normal rules, which require indoor runs, and noise limits and Resolution 2002-85 also mentions so many dogs per acre.

Don commented that his office received a letter from Mr. Smith and he contacted CMC to respond to this complaint, thus far, he has not received a response.

Larry Green said the Homeowners Association conclusion is that CARE would be subject to the special use permit and not in compliance with the 2002-85 Resolution and he asked the Garfield County Enforcement Office to take action. The Vet/Tech facility is next door and has its own facility. There is duplication here. Steve Smith's understanding is there is a course offered on how to be a superintendent of a dog shelter facility. CMC's facilities has an outdoor run. Steve went down there to see which dogs were doing the barking. Both of them were allowing dogs to bark. CARE had 15 dogs and only 1 – 2 dogs were at the CMC facility.

Don said he would follow-up on the Code. Originally the CARE facility it was an integral part of CMC. We need to get CMC's position and to contact Mr. Randall, CMC's attorney. They are still the property owners and at the end of the day, they would be included. The VET Tech center would be exempt from their noise standards. The mere transfer of the dogs to the Vet Tech center would not solve the problem. Steve said they have noise from the chickens and cows but this is rare. The dog's noise is everyday and much more problematic.

It was agreed that there needs to be some research on our part and get back to Mr. Green. Larry will stay in communication with Don and follow up.

Steve is the key person as he works at home. The Bedalls and the Hussey's are also concerned. It's been very tedious to make the Court cases work. Today we may see some action; he understands it is a \$50 fee. That would at least make it clear that it was a problem and not just a neighbor complaining.

UPDATE ON BATTLEMENT MESA – MONUMENT GULCH PROJECT – STEVE ANTHONY

Steve Anthony – presented a memorandum to the Board regarding an update on a restoration project in Battlement Mesa – the Monument Gulch Restoration Project. This is a funding request for a letter of support for the Battlement Mesa Service Association's grant proposal to the State Weed Management Fund. In May of this year, Steve said he was contacted by several Battlement Mesa homeowners regarding the noxious weed problems in the Monument Gulch area. They have been concerned with the fire dangers posed by sheep grass and the impacts to wildlife habitat. A group of neighbors has been working on this and it stems from the fires since the mid-80's. There's been four or so fires. Fire begets sheep grass and sheep grass begets fire.

The BMSA Board agreed to allocate \$9300. At the same meeting the BM Company agreed to allocate \$3500. These funds will be used for sheep grass treatment and reseeded. They will also serve as a match for BMSA's grant proposal to the State Weed Management Fund for the \$4,000 request.

LETTER OF SUPPORT FOR BATTLEMENT MESA SERVICE ASSOCIATION GRANT – STEVE ANTHONY

Steve presented a letter for the Chair's signature addressed to Eric Lane, State Weed Coordinator, endorsing the grant application being submitted by the Battlement Mesa Service Association (BMSA) for the "Monument Gulch Restoration Project." Steve requested the Chair be authorized to sign this letter of endorsement.

Commissioner McCown made a motion and Commissioner Stowe seconded to authorize the Chair to sign the letter going to Eric Lane, State Weed Coordinator endorsing the Battlement Mesa Service Association for the "Monument Gulch Restoration Project." Motion carried.

- (d) **Plat** – Commissioner Stowe moved that the Chair be authorized to sign the amended plat of Lots 2 and 3, Block 1 of the Elk Creek Development omitted in the Consent Agenda. Commissioner McCown seconded; motion carried.

REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT ("ADU"). LOCATION: 30414 HIGHWAY 6 & 24, RIFLE ON A 28-ACRE TRACT OF LAND. APPLICANT: JOSEPH AND BRANDY WILLEY

Tamara Pregl, Carolyn Dahlgren, Steve Hackett, Joseph and Brandy Willey were present.

The County attorney reviewed the regulations for noticing and the submittals from the applicant. She determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers. Tamara submitted the following Exhibits: Exhibit A – K.

Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Regulations of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Staff Report dated December 9, 2002; Exhibit E – Application Materials; Exhibit F – Garfield county Road and Bridge Comments dated November 6, 2002; and Exhibit G – Contract dated November 21, 2002 with West Divide Water Conservancy District; Exhibit H - Letter dated June 7, 2002 from Steve Hackett; Exhibit I – Photographs taken by Steve Hackett on June 6, 2002 of violation on subject property; Exhibit J – Letter from Verna Mullet to Steve Hackett dated May 23, 2002; and Exhibit K – Letter dated May 16, 2002, from Steve Hackett to Verna Mullet.

Chairman Martin entered Exhibits A - K into the record.

Tamara stated she was unaware of the fact that there is a violation on the property and it is the Board's policy not to consider land use requests as long as the violation exists.

Joseph Willey stated there has been a lot of clean up.

Steve Hackett – has not had a review of this property since June, his last letter to Mr. Mullet. A violation investigation should be done prior to handling this land use request. If the garbage dump has been cleaned up, he is willing to do another inspection. There is also a non-inhabitable house that was apparently been given to the former property owners, Mr. Mullet and this should also be addressed in the clean-up of the property. The existing wood building appears to be in a location where that building was brought onto the property. It appears to have been a former single-family dwelling.

Joseph stated his aunts lived in this house and wouldn't mind seeing it removed. He would have to talk to other family members.

Chairman Martin – there is enough information to do a follow-up investigation.

Carolyn reminded the Board that if there is a business being operated on the property that may be another violation.

Joseph testified that most of these old things have been removed. They requested the proper way to handle this. January 6, 2002 is the soonest this can be accomplished and time to review this with the building permit. The old house would not be approved for an accessory dwelling; therefore, the structure would need to be moved.

Robert Colorsay - neighbor has concerns about the old structure.

Joseph mentioned there is a wooden shed and thought this may be what Robert was talking about. Robert has owned his property since 1974. Dan Call – lives on the property since August 1995 and to his knowledge, the little house has been on the property for at least that long.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this until January 13, 2003 to give the applicant time to handle the cleanup; motion carried.

This applicant requests approval to change the status of the existing mobile home from primary residence to an Accessory Dwelling Unit in order to allow for the construction of a new modular residence. The application is proposing to install a new modular home of approximately 1869 sq feet for themselves which will be located to the west of the existing mobile home. The subject property contains approximately 28 acres.

Tamara continued to review the project information and staff report and submitted the following recommendation to the Board:

Staff recommends that the Board approve the Willey Special Use Permit for an Accessory Dwelling Unit, subject to the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The existing mobile home, ADU, may be replaced in accordance with Section 7:05 of the Zoning Resolution which states that *“a mobile home...maybe replaced by another mobile home on the same lot provided the replaced mobile home conforms to the requirements of the Building Code Resolution of the County, and to the performance requirements [5.03.21] of [the Zoning] Resolution.”* The structure shall not exceed 1,500 square feet as measured by the County at the time of building permit.
3. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
 - a. Provide a copy of the final well permit for the existing well that serves the mobile home.
 - b. Provide a four (4) hour pump test on the existing well. The well shall provide at a minimum of 350 gallons of water per person, per day.
 - c. Provide a water quality test for the existing well.
 - d. Provide a copy of the well permit for the new residence.

4. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.

REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT REQUEST FOR AN ACCESSORY DWELLING UNIT (ADU). LOCATION: 9500 COUNTY ROAD 117 (FOUR MILE ROAD) ON A 185-ACRE TRACT OF LAND. APPLICANT: RICH DUNSTAN

Fred Jarman was present and stated that the applicant is not present but has sent in all the proof necessary for the noticing.

Chairman Martin noted there is no person to swear to the requirements. This is simply a letter and not an affidavit and there would be no testimony to confirm the location of the posting. Carolyn could not read the date of return and advised the Board there would be significant problems.

Commissioner Stowe felt there was a lack of adequate notification.

Commissioner McCown moved that notice is inadequate and the public Hearing would not be opened.

Commissioner Stowe seconded.

Fred Jarman stated the applicant is aware of the noticing and asked him about the date; a situation arose to prevent him from being here today.

Motion carried.

REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A HOME OCCUPATION IN THE ARRD ZONE DISTRICT. LOCATION: 0280 COUNTY ROAD 227, RIFLE, CO ON APPROXIMATELY 6 ACRES. APPLICANT MIKE AND NETTIE MILLER

Fred Jarman, Mike and Nettie Miller, and Carolyn Dahlgren were present.

The County Attorney reviewed the regulations for noticing and the submittals from the applicant. A determination was made that the noticing regulations were not 30 days and therefore the Board moved to not open the hearing. The Waxtrums were present but could not give testimony.

Chairman Martin - The building and planning department will issue them a letter noting the time frame of when this will be rescheduled.

REVIEW A REQUEST TO CONSIDER THE STOVER LOT LINE ADJUSTMENT PER C.R.S. 30-28-101 (C) (II)

Mark Bean was present

Mark submitted a memo to the Board explaining the request made by Dan Kerst of Schenk, Kerst and deWinter LLP on behalf of the Stovers. David and Susan Stover have agreed to split their property as a part of a marriage dissolution. CRS 30-29-101 (C)(II) exempts this type of split from the definition of subdivision, provided the Board of County Commissioners is given the opportunity to intervene in the court proceedings on the issue. Generally, the County would only intervene if there were some evidence indicating that the petitions were intentionally trying to evade the subdivision regulations or the lots being created were not consistent with zoning regulations. Since both lots exceed the 2-acre minimum lot size for the ARRD Zone District and there is no reason to believe the parties involved are trying to evade the subdivision regulations, staff would recommend that the Board not take any action to prevent the proposed division.

Carolyn Dalghren stated she needs the authorization to appear before the Judge and inform him that there is no action being taken by the Board.

The Board so agreed.

REVIEW AN AMENDED SITE APPLICATION FOR SEWAGE TREATMENT WORKS FOR THE TOWN OF SILT

Mark Bean submitted a memorandum to the Board stating the Town of Silt is proposing to amend their Site Application for Sewage Treatment Works for the new sewage treatment plant to change the treatment process from Chlorine Disinfections to Ultraviolet Disinfections. The Ultraviolet disinfections are the preferred method of treatment, given the danger associated with the use of chlorine gas. Staff recommended that they be authorized to write a letter stating there are no objections.

Mark stated this is on the new system and it just a matter of a new treatment for sewage.

The Board advised Mark to notice the Town of Silt that they do not have any objections.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to let the 15 days expire and inform the Town of Silt they have no objections. Motion carried.

Board of Health

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to let the 15 days expire and inform the Town of Silt they have no objections. Motion 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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DECEMBER 16, 2002

**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 16, 2002 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dalghren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

- a. Award Competitive bid to Berthod Motors, Inc. for the Acquisition of One Low-Hour Model 5410 John Deere Tractor with a 541 light material bucket at a total cost of \$23,941. – Marvin Stephens**

Tim Arnett and Marvin Stephens were present.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Berthod Motors, Inc. for the 5410 John Deere Tractor as discussed and information provided to this Board for a total cost of \$23,941. Motion

- b. Great Northern Affairs - Carnival Contract for 2003 – Dale Hancock**

Ed said preparation is already in process for the 2003 Fair and the Carnival of 2002 was pretty successful addition and the Fair Board has opted to have them return.

Dale reviewed the proposed contact with Great Northern Affairs. The terms of last and this year are identical with the exception that they bumped the 60 tickets for \$35, which is all rides requiring 2, 3, and 4 tickets. It includes 15% for all rides over 15,000, 22.5% of all pre-sale tickets, advertising, and the liability is \$1 million dollars. The dates of the Fair will be August 6 – 10, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contract between the Board of County Commissioners and Great Northern Affairs for the purposes of the Carnival at 2003 County Fair. Motion carried.

- c. Carry Over – Private Activity Bond Fund**

Ed stated that Tom Beard, who is a member of the Housing Authority Board and also a member of the Governor's Commission related to distribution of these funds. Per the rules related to these funds, each year the Board of Commissioners must submit a notice of their intentions with respect to carry over of the activity bond funds. As you recall, we received last year about \$1.6 million in bond authorizations and now it's time for the Board to decide if it wants to retain control of these funds. Tom earnestly recommends that the Board carry these funds over and with the approximately \$1.7 million of authorization that we received for 2003, we're beginning to establish a level of bond money that can actually be useful for a developer. The final Resolution is ready and Ed asked the authority for the Chairman to execute that resolution. Don said in talking to Tom Beard about this, he said he would be available by phone today if the Board has any questions about it. According to Tom, the Board has already approved this earlier this year. Commissioner Stowe made a motion that the Chair be authorized to sign the Resolution declaring the intent of Board of County Commissioners to carry forth the private activity bond allocation for 2002 to future years. Commissioner McCown seconded.

Commissioner McCown noted that he was disappointed there hadn't been activity for this. Don said Ed has already represented to you that Tom would like to carry this forward, join it with this year's allocation which I believe is about \$1.7 million and perhaps even a third year and they think it will be enough to actually do a substantial project. Ed added that Tom is not really encouraged that anything can be accomplished this year. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

- a) Discussion regarding Columbine Family Health Center Human Services Contract**

Don stated this might be something the Board would want to discuss in Executive Session however, he provided an overview. This is a standard Human Services contract and the Board has already approved funding on this. The question revolves around the adequacy of the insurance coverage. The question came up because of reviewing the contracts for my signature this year, there is a specific exclusion for professional liability coverage. And, this particular contract is strictly for the provision of medial services. As we know from our discussions from one of our own operations, the medical professional liability insurance cannot, at least in Colorado there is no provider that will add the County as an additional insured, so in this case, I assume they have their own professional liability coverage, but if we ask, I assume that we will get rejected to add as an additional insured for professional liability coverage. He wanted the Board to be aware of this before going forward with this agreement.

Commissioner McCown – my concern is that it's an overall industry policy that we're facing and it's even broader than this. The railroad in some cases requires that they be named as an additional insured on access permits, and the insurance companies are refusing to do that. What effect this may have on individual's access permits, he wasn't sure.

Don stated the real difficulty on this type of overage is we don't have any coverage for ourselves. You're talking about most areas of potential liability, our omissions and liability still protects the County for our own activities, but in the medical area unless we specifically obtain it, we don't have coverage. This is a grant agreement. In theory, the County could be brought in as an additional party to litigation in this – it's never occurred but it is something the Board needs to be aware of.

Commissioner McCown clarified that the pool has been made aware of this.

Don said their answer is, if you are providing medical services, buy insurance for that activity, and otherwise don't get involved in it. And of course, we're still trying to figure out how we acquire such insurance for the Healthy Beginnings Program, but for Counties such as Weld County that have an active hospital that they maintain, they simply have to go out and buy malpractice coverage in the open market. At this point, this contract is fully executed; Don is holding it pending a decision by the Board. If you are

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satisfied with going ahead, then the Board should authorize Don to release the contract and release the funds. If you want to explore this area, he will be happy to do so. It's the only Human Services contract that he came across that we provide direct support for a medical services provider.

Commissioner McCown – and the indemnification is not going to be adequate without the insurance.

Don agreed, in fact they won't insure the indemnification. There are companies out there that can do this, in our jail medical services contract, we're not only being indemnified, and we're receiving active representation supporting that at this point. It can be done; it's a cost item.

Commissioner McCown said yes and there's a considerable possibility considering the size of this grant which is \$10,000 could cost upwards of that amount. To implement a \$10,000 contract there could be a multi-million liability attached to it.

Don will hold this, make inquiry of the contractor, and have them respond on this.

The Board concurred to hold this until January 5, 2003.

b) Consideration and approval of Resolution adding/amending certain provisions of the Garfield County Personnel Policy and Procedure Manual for the Year 2002

Don presented the Resolution that amends certain provision of the Personnel Policy. Every one of these has been before the Board and this brings together the actions that have occurred this year. It does include your recent adoption of the policy on PDO and the Board will see this in the Budget Resolution. Don referred to that in this Resolution on your Personnel Code because I wish to have the budgeted resolution be the overriding Resolution and should be a fiscal decision primarily and have your Personnel Code simply incorporating a fiscal decision simply. For that reason Don did not include the Elected Officials on this as signatories. My position on that is that it is binding as a fiscal policy without their signatures. The other items do require execution also by the other elected officials.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Resolution adding/amending certain provisions of the Garfield County Personnel Policy and Procedure Manual for the year 2002 and the Chair be authorized to sign said Resolution; motion carried.

**REQUEST FOR CLARIFICATION REGARDING PUBLIC/PRIVATE ROAD ISSUE
(FORMERLY COUNTY ROADS 256 AND 269) – DAVE ROBERTSON**

Dave Robertson, representing Twin Buttes Land Company, and Don DeFord were present. Dave stated to the Board that he was here to clarify the roads 256 and 269 in the County system, whether they are private or public roads. He has pursued being a private road for the last 28 years and based on a Court test dated 1/18/1974, Book 454, Pages 196 & 197. It became known again by reason of our ranch making a call, which is a must when you take a bulldozer into the oil and gas areas, to be sure they were covered for safety. The lady they called stated it was a County road and you can't dig without County permission. This started the process to see if these roads ever were public roads. They found from the records at Rifle that they were on the system and Dave is concerned that they are still on the system. He requested a petition to vacate the holding on those roads. There is a lot more energy activity at the present, people are relying on these maps, and it's an adverse possession thing now because they say this is a conflict because they see they have the right to go under the County system. The help of the Commissioners is important. Chairman Martin – clarified that Dave Robertson wanted the County to do the research to make sure they are public roads or not. The court case in 1974 was an abandonment case and it came about by the reason of hunters tearing down a gate. Twin Peaks Land put the gate back and then they pursued it with the Game and Fish, the Department of Interior took it up and in the Courts we were given a favorable ruling declaring that it was not a public road and in fact not even a public way across that property. People challenged their right to lock the gate. Dave Robertson said they thought this was settled. Information is needed and an update on the record to set it straight. Don DeFord said he would need time to do some research and check into the references Dave mentioned. If the road is not public and already determined by a Court that it isn't, then there's no need to submit a petition to vacate anything, it would not be a County road. Don said he would have to have the surveyor check the legal to see exactly where this is located and identify that on a map. Once that is done, we'll have a better idea of where we stand. Commissioner McCown stated this would have to be a public noticed item unless some action has been clarified. This was set forth 60 days – the applicant submitted a decree from the Court. A date of December 2, 2002 was set under the County Attorney's time at 8:30 a.m. Commissioner McCown stated that if Dave didn't hear from the County, it could be that it was extended and could continue the matter. But Dave will be notified if we find out anything. Dave Robertson noted that when this Court case was tried, it was under the name of Twin Buttes Ranch, it's still the same people but they separated the land into a company called Twin Buttes Land Company for State tax purposes. He also requested that the surveyor give him a call the day before since the gate will be locked. Dave gave his address as PO Box 323, Ranglely, CO 81648 – 970-675-8569.

c) Discussion regarding status of County Road 256

Don informed the Board that this was first brought up this year by Mr. Robertson and he has reached some conclusions on that saying this his conclusion at this point it that CR 256 is probably not either a public road, it is definitely not a County road and the reason he reached that conclusion are as follows: Don had a chance to take some depth on the decree which was before the Board more than a month ago. In reviewing the complaint and he had a chance to go over and review the historical files in the District Court office which is on some rather ancient microfilm at this point. But that review was very helpful because what he found in the Court file were the depositions that had been taken in the case, which is a little bit unusual but they had all been filed. There were six of them; every one of them was a deposition of what Don called, historic witness on a road case. These were people who had knowledge of roads in the area of Douglas Pass and what's now County Road 256, for a very long period of time, some going back to the days when the Ute Indians were actually using it for hunting purposes. Uniformly, the testimony that was presented at those depositions is that there was no road for general public use that ran west from Douglas Pass and that there was no road that connected Douglas Pass to Baxter Pass as, at least on some County Road Maps, appears to do. There was testimony that there were some stock trails in the area and it could be traversed by horseback and for a ways by wagon, but there was no understanding they were available for general public use and reiterated that the Ute Indians used these for hunting purposes before the turn of the last Century. It

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was after those depositions were taken, the County then through its County Attorney filed an offer of judgment in the case, which is really a confession of the complaint. Therefore, the County actually, after hearing the evidence, stated on the record that they did not believe it was a public road and therefore, the decree was entered that it was private ground. You will recall that at the last time we discussed this briefly, I told you that when I talked with the County Surveyor, there were two roads and showed the Commissioners a map that ran west from Douglas Pass. One is what is now shown as the western portion of CR 256; one is a roadway that, for a period of time, paralleled Douglas Pass running north from the area of 256, north and west. Mr. Robertson provided Don with a copy of deed transferring right of way for it now a State Highway and it was in that some time period that that area that ran north and west from, paralleling Douglas Pass road disappeared from the County Road Maps. When he compared the legal description of the property that was affected by the decree, with the deed for the paralleled roadway, it's evident to Don that the roadway that was the subject of the decree is the one that is not shown as County Road 256. The only reason Don said he had to be a little bit qualified in this opinion and say it is probably and not definitely that road, is that none of the decrees, none of the documents in the Court file have an actual legal description for the road that's affected. And without that, Don said he can't say with absolute certainty that what is shown today is County Road 256 was the road that the subject of the decree. But, there is simply no other road shown on County Road maps that could have been affected by decree other than that roadway. So, at the end of the day, Don said he believed that what we show as County Road 256 is not a County Road and it is not a public road. Marvin Stephens is present and Don said he asked him to take a look at this as well and Marvin, I believe you looked at this roadway also and showed we are not claiming Highway User Funds for this. Marvin stated that is exactly right. Don added that this goes back quite a few years, I don't know how far back Marvin checked but Don went back to what we have in our offices that are fairly current, I think 1998 but at least it weren't claiming it either. Marvin said he had not found anywhere we've ever claimed that road. Don concluded that this tells the Board what it is and didn't think the County Commissioners needed to take any action; the Court decree is certainly the overriding document.

Chairman Martin asked Mr. Robertson if he had any testimony that he would like to bring forward. Mr. Robertson said he was involved in this as a young man and so he does remember specifically and Don's conclusion is exactly what we got out of it and the only thing is the legal description. He added that he thinks the decree has a legal description on it.

Don stated it has a description of the property that's affected rather than a description of the road and that's a pretty broad range, there's a lot of property up there.

Mr. Robertson – the only thing that we found when we dug into this was a, and I don't want to bring it up and ask for a Resolution here, but when that deed transferring right of way on the road that goes north from the top of Douglas, it didn't include a number 254; it's about three quarters of a mile long and it dead-ends and it is 100% on our deeded land. It doesn't go anywhere. So the public and that road was established about the same time as the County Road that went to the top of the pass. When that went to the State the deed didn't carry this 254, so now you have a State road and then this small County road about three quarters of a mile long that doesn't really serve the public in any way because it's all on the private land and they can't leave the right of way without being in trespass. So, at a future date we'll have to go through that too. We didn't discover that until last week when we were going through this again. Don asked if this 254 was on the west side of Douglas Pass. Mr. Robertson said, no it's actually on the north face of Douglas down off about 3.5 miles and then it sort of runs south and east off of that State road. Don said he hasn't looked into that one. Mr. Robertson said, this one before us today is consistent and he has nothing further and appreciates Don's efforts and sort of apologized for having to put him through the throws of going back in the data file. Commissioner Stowe said we're interested in it. Clear it up now that down the road. Commissioner McCown said there is nothing that the Court action took care of that would displace anyone's rights to drive cattle across that to get to point A to point B, and in this country around here, it's getting real tough for some of these ranchers to get their cattle from their low country to the high country because there's been private in-holding bought and the fact that that's been a historic stock drive doesn't matter if you're from New York City – they could care less and this isn't disrupting any activity of that type is it – that 256 road.

Mr. Robertson said where they are now is we've brought the grazing into structured grazing where you move the cattle like they used to and still do sheep and we have sales of land that we move these cattle on it about a 4, 4, or 7 or 20 day rotation system. That means they are concentrated and so this road if it were allowed would just destroy that and that ridge top is so narrow that you just couldn't manage it.

Commissioner McCown – but this is all your cattle on your land, but no one else needs to drive cattle across you to get to their permits. Mr. Robertson said no.

Chairman Martin – looks like there's more research Marvin – 254 road, might look into that. Marvin said he jotted it down. Chairman Martin said if we have questions, we'd contact Mr. Robertson.

d) Discussion regarding update on Oversize/Overweight Vehicle Permitting

Marvin Stephens and Don DeFord reported. Don provided the Board on information where they are in updated the Permitting Oversize/Overweight Vehicle vehicles.

In discussing this with Road and Bridge, they have set a course on how to proceed with the new system. As a general proposition, we all agreed that as a model of the LaPlata system seems to work pretty well. We will need to make some revisions to that; it doesn't just fit across the board. What we're doing on the frost law at present is something we will have to incorporate into that system. Then we'll have to look at specific weight limits for designated roads. Under State Law, in order to accomplish this, we have to develop the Code we want to follow, send it to the Department of Transportation, they have to review it and send comments back to us. And, we have to send it to them at least 30-days before we hold a noticed public hearing on this. At present, we are looking at the first part of February to bring this back to the Board for a formal consideration.

Commissioner McCown – what we are proposing to do is a lot less cumbersome than what we have now, so I can't imagine C-DOT having any disagreement with it.

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Marvin – it pretty well follows the law in C-DOT's too and added onto that, we are going to try to designate haul routes just so we don't have trucks using all different roads. It's pretty much where our weight restrictions are now on the south side of the river from probably New Castle down. On the north side we may have to look at it and adopt some of the haul routes if they start growing on Silt Mesa, etc. Don said they discussed this and definitely have to add to the new code is to designate haul routes so that it's an enforceable provision. The other thing that the Road and Bridge staff would like to look at is really adopting the State load limits for most if not all of our roads, except for impactive bridges, if we find bridges that can't carry the loads. When we get to that, there is a provision in State law that once you categorize your roads under State load limits, then that carries with it the obligation to construct them so that they will carry that load. That doesn't mean that you immediately embark on rebuilding every County Road, but it does mean that when you do go about rebuilding a road, then you've got to build it to State load limits.

Commissioner McCown said he didn't see this as a problem because we have done that. The question is, if we designate a haul road and used Mamm Creek as an example, this is a haul road, was built to be a haul road, still is a haul road, coming back empty, do they have to stay on that haul road?

Don said that would be up to the Board as to how they would want to designate it.

Marvin didn't see any problem with a butt staying on it, the weight is what he is concerned about the most. Commissioner McCown – it's his concern going up but coming back if they're empty and it's six miles closer to cut across Country and get back pen, etc. to me it's impacting our roads more by requiring them to stay on that haul road and drive a further distance. How do we enforce that, how do we incorporate that into what we're wanting to do.

Don said you incorporate that into the method by which you set the haul route. What we'll have is designated haul routes, they will have to be on it at certain weight limits and control the use of roads by weight limits so that when they come down, if they're under a certain weight limit, then they could use another road.

Commissioner McCown – then we get back into that same mix mash we've got now of three different road going up the same drainage and each one having a different weight limit on it.

Don – think about the oil and gas industry, which would have at least in part some of those loads will be heavy going up and now coming back. Then you have things like the timbering industry that will be loaded coming out, so it's not just a one-way proposition. When we bring it back in front of you, these are the kind of questions we'll need feedback on. Another thing for the Board to be thinking about is a question of security for overweight vehicles. We had a discussion about that and whether we should have it at all, and if we do, whether it's a bond, letter of credit, whether we can go to insurance, we will need those decisions when we bring that Resolution back in front of you, we will need some direction.

Commissioner McCown stated the problem we have in collecting bonds is the proof of insurance because what he would be looking for is if in fact that do hit a guardrail and tear out 200 foot of guardrail, the ability to replace that. We're not going to collect for that truck making 300 trips up that road and do X amount of wear to that road.

Don agreed and this is the example we're looking at is when someone hits the guard rail, that's a negligent act and insurance will cover that, but when it's the impact of multiple use, that's not a negligent act, that is the normal use of the road but there are still causing damage and deterioration to it. That's what we've been requiring a bond for and the Board will need to make a decision whether you want to continue to try and require security.

Commissioner McCown reiterated that we're hitting one some of the operators doing business and it has not served Garfield County a single purpose.

Don told the Road and Bridge Department staff, we've had better success with letter of credits but that is also an expense item for the trucking industry so the Board needs to decide how much that is worth to them to require it. They will continue with the draft, bring it back to the Board and even after it goes to C-DOT you can still make changes but they need to see that first cut.

Commissioner Stowe – Nothing precludes us from going after them as an individual if they do damage to the road, it's just that we don't have that bond there to cover us.

Don agreed.

Marvin said that's the reason he wants to see the frost law put in the Resolution because that's usually when the road is real vulnerable to damage. The frost law helps control 80% to 90% of the damage to our County Roads.

Commissioner McCown – don't we still have the statutory law or whatever we call it to close any roads for 90 days.

Don – yes we do and that's the way we go about using the frost law. Around the State there isn't that many counties that do that but we have a greater impact that usual.

Commissioner Stowe said his opinion would be to stay away from letters of credit and the bond both, if we do have a problem with somebody, we go after them and that will shut them down anyway.

Commissioner McCown – is it the trucking company that does the bond that may have three dump trucks or EnCana Oil or Williams Energy.

Marvin – usually we try to do EnCana and let the other people run on their bond.

Commissioner McCown – but they are not in fact the hauler but they are the primary contractor that everybody's working for. For the most part, it's cooperation.

Marvin stated we do have a lot of cooperation and doesn't see that changing. As long as there is a good working relationship things will go along good.

Commissioner McCown stated the industry is anxiously awaiting this Resolution.

Don said one of the other things they are looking at is who is doing annual permitting for a number of operations, which should help the industry and the department.

Parachute – Waste Water – Manholes

Chairman Martin said Thursday when he was in Parachute, they are experiencing unique situation in surges in their waste water treatment plant and it seems someone is popping manholes and dumping a petroleum

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product down through there such as heavy water, etc. A tremendous amount of it on certain days of the week and they have eliminated it inside the City limits; they feel it's coming from Soda Ash area, CR 215. Marvin was asked to keep a watch and anybody putting big trucks in front of manholes because it is a petroleum by-product. It's also happening in Battlement Mesa.

e) ***Executive Session – Litigation Update and Action afterwards***

Those individuals requested to remain for the session included: the Board, Don, Mildred, Ed, Jesse, and Carolyn.

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

Action taken:

Don stated he would like the Board to authorize the Chair to sign an agreement in the nature of an escrow agreement involving the City of Glenwood Springs and Colorado Mountain College as part of our on-going litigation if the City and CMC Signs such as agreement, then authorize the Chair to also execute such as agreement under which the money otherwise attributable to the TIF financing for the Downtown Development Authority would be pending the outcome of the litigation. Commissioner McCown asked if Don would like to include in the motion the authority to move forward with a cease and desist in the event that the other parties do not sign this. Don stated a motion for preliminary injunction.

Commissioner McCown made that motion; Commissioner Stowe seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Healthy Beginning Board Meeting last week on Wednesday; next meeting will be January 8th with Columbine primarily at 10:00 A.M. and then as a Board again on 11:00 A.M. to discuss potential decisions that Healthy Beginning might make and he said he would report back on the 13th to the Board.

Commissioner McCown – Open House last Tuesday at the Road and Bridge facility; Associated Governments Northwest Colorado met here Thursday; Club 20 meets Tuesday at 5:30 P.M. in Courthouse Annex; and the Caucus; and Wednesday at 1:30 the Communication Board in Rifle. Club 20 we will designate our representative. Larry stated our current representatives; Marian Smith, Tom Bolin, and Phil Vaughn wish to be reappointed.

Chairman Martin – Met with Roaring Fork Transit Authority on Thursday and they thanked us for the contribution as well as they are looking at the possibility of some of the impacts that will hit Mildred's Motor Vehicle pretty hard and that is registration fee of \$10 per vehicle starting next year for their transportation district.

Mildred said she had been contacted but the one thing is the State has to figure out how they can pay for the programming so they are still in negotiations with the Department of Revenue.

Chairman Martin – on Thursday attended Community Corrections – they are looking for direction and will schedule a workshop with the Commissioners. They combined the two Boards – Community Corrections and Criminal Justice Services Board into one meeting. Also, attended the Town Meeting in Parachute which they adopted their budget and they are seeking transportation issues with Garfield County in the future and are hoping to sit down with the Commissioners and discuss access and transportation enhancement through C-DOT, and City and County efforts. Attended the Transit Authority Committee meeting, which is under Senate Bill 1, there's a provision that requires the State to allocated 10% of Senate Bill 1 monies for transit and only transit. 1% has been appropriated for the planning stage. This will be the 3rd meeting coming up and that is every other month. This is only in the planning stage to meet with federal transportation fund requirements.

Ed stated he was elected to another 2-year hitch on the County Health Pool.

CONSENT AGENDA

- a) Approve Bills -Letter from Lois Hybarger requesting modification of two items that are on the warrant list regarding bills.
- b) Authorize the Chairman to sign a Resolution of Approval for the Middleton/Grace Conditional Use Permit for the storage of a company truck within an existing metal structure
- c) Authorize the Chairman to sign a Resolution concerned with the approval of a Preliminary Plan for Lake Springs Ranch Planned Unit Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items noting items No. 1 and No. 2 corrected under the bills as presented by Jesse from Lois Hybarger a - c; carried.

REGULAR AGENDA - PUBLIC MEETINGS

RENEWAL/EXTENSION OF BANKING AGREEMENT WITH ALPINE BANK – GEORGIA CHAMBERLAIN, TREASURER

Don DeFord, Bill Sanderson from Alpine Bank and Georgia Chamberlain were present. Don presented the Renewal of Garfield County Banking Agreement – 2001 for fiscal year 2003.

Georgia Chamberlain submitted Exhibit No. 1; Don submitted a memo to the Board regarding the wire funds transfer authorization. Both worked on the renewal of the Banking Agreement and everything is the same as it was before, but the Bank has requested that we go to online request for wire transfers, which we would prefer. It's not that they would eliminate us doing a written request for a wire transfer, it's just that we could start doing wire transfers online. Georgia would like to have the control involved in this and the ability to transfer out of and also I also the control of who is authorized to do that rather than having to come back to the Board every time. The reason for this request is the accounts change, our way of doing business changes and there may be some changes in house in her office as far as who she would like to see authorized.

Commissioner McCown noted some names that are not current that he was sure would be incorporated into the agreement for next year - Jail Lieutenant Dan Hall and Walt Stowe, Chair pro-tem, County Commissioner.

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Don stated this would be effective the first of January so this has to be altered and the Board will have to accept an amended list later; Georgia and Don will come back to the Board with changes but this has to be effective as of the 1st of January. On Exhibit No. 1, which is the wire fund authorization attached to the Banking Agreement and attached to that are a number of additional attachments incorporated in the agreement but are not completed at this point.

Georgia represented that the first one is the Alpine Bank Funds Transfer Authorization Agreement – says “this agreement entered on December 16, 2002 Board of Commissioners, the customer, and Alpine Bank”, so that will be filled in. And the customer, on page 2 will be the Board of Commissioners of Garfield County, and signed by authorized representative and Georgia stated she would prefer to have the signer on account crossed out because if we have the Chairman of the Board sign, you sign on the vendor’s account and on the payroll account, but not on the operating account or some of the other accounts we may in the future add to this. Then the Attachment A – that’s a request says “transfer authorization agreement, the authorized agent is going to be Georgia Chamberlain, Janice Burns, and Jean Richardson.” The agent profile would be Georgia Chamberlain and I would initiate wires and I also would be a call back person and she listed the three accounts here, which are vendors payable, payroll payable and the operating account. As we get into this there may be a need to add an account, so she would like that ability without having to come back. Don stated Georgia could not ask for this, an added account will have to submit an amendment and bring it back to the Board. And all three of us would be able to initiate wires, be the call back person, all would have a limit of \$1 million dollars and our telephone number is 945-6382 and then the three account numbers would be the vendors, payroll and the operating. Georgia listed them by account number and that would also apply to Janice Burns. The funds transfer authorization agreement, the authorized representatives and Georgia wanted to be the only authorized representative as her understanding of that is if there would be any changes here on whether a person could continue transferring money, wiring money, or we delete them, or if they be the call back person or make them repetitive message, Georgia wants that control.

Don stated the Bank recommends three. Georgia said we could ask the Bank why they wanted three. Commissioner McCown – what if Georgia is on extended vacation.

Georgia said if she were on an extended vacation, there wouldn’t be any changes. This is a change of procedures. Commissioner McCown – if you are the only person that is authorized to transfer funds and if you are not reachable. Georgia – this is to make changes in who can transfer funds. Bill Sanderson said Georgia has listed herself and two other parties that are able to make the transfer, Georgia is the only one that can authorize changes – take people away, or increase their limit, or add to the accounts. Don suggested that Georgia should at least have your deputy for this purpose because if for some reason you became incapacitated, we would have to have someone who could make changes to this so that you wouldn’t be authorized, it’s an emergency circumstance but I think you have to have a deputy on this. Georgia – all right, I will have Jean Richardson. Georgia – the next one is the security procedures and the customer is the Board of County Commissioners of Garfield County and the Chair would be authorized. We have no repetitive transfers. And then the Attachment E was part of the Board’s packet. Don said this should have been the form of Resolution that they seek for the agreement. Commissioner McCown – everybody agrees on the million dollars for the amount? Georgia – a couple of weeks ago, the Board authorized payment to U. S. Bank of over \$800,000 dollars; during heavy tax collection season, we will take money from Alpine Bank and transfer to C-Safe for Colorado Trust and also make purchases through Wells Fargo and so it’s usually at a million dollars that those transfers. It can be up to a million dollars, \$500,000 so that’s why a million dollars was chosen.

Don stated the action we are looking for is authorization for the Chair to sign the Renewal for the Garfield County Banking Agreement, Fiscal Year 2003 and also include with that authority to sign as necessary any attachments or addendum agreements.

Commissioner Stowe put that in the form of a motion; Commissioner McCown seconded; motion carried.

**RENEWAL/EXTENSION OF INVESTMENT ADVISORY AGREEMENT WITH MBIA –
GEORGIA CHAMBERLAIN, TREASURER**

Don DeFord and Georgia Chamberlain were present. Effective January 1, 2002, MBIA Municipal Investors Service Corporation and the Board of County Commissioners of Garfield County entered into an Investment Advisory Agreement for the Advisor to provide investment management services to the Board and the Treasurer of Garfield County.

Georgia said this is the renewal of the Investment Advisory Agreement with MBIA. We did a telephone meeting with the investment advisory committee, Ernie Gerboz and Jesse Smith and we would like to continue with the investment advisory of MBIA. Jesse stated they discussed that we take and make this year a study year as to if we were investing the funds ourselves though accounts with Alpine Bank, how would be end up interest wise as compared to what we are getting from MBIA and then take a look at the \$25,000 fee and say, is there enough value added to warrant the \$25,000. Georgia said Ernie agrees and feels very strongly about keeping it as an advisory agent and he agrees that we need to review the fee that is being charged and analysis it. He agreed with the way we would do this.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that we approve the renewal of the Investment Advisory Agreement with MBIA for the year 2003. Motion carried.

**ALPINE TRUST AND ASSET MANAGEMENT CASH MANAGEMENT ACCOUNT
AGREEMENT – GEORGIA CHAMBERLAIN, TREASURER**

Georgia Chamberlain and Don DeFord were present and submitted for signature of the Chair the Alpine Trust and Asset Management – Cash Management Account Agreement. Georgia stated that County governments are authorized by statute to invest in government investment pools and Alpine Trust has created one and the investment advisory committee agreed that we should invest some money in here. And, we decided on the Treasury Obligations Fund. Don stated he had reviewed the document.

Jesse added this is part of the study plan that we would do is tract the interest we get off of this fund or any of the other funds with Alpine Bank and then extrapolate if we had put the full amount of our dollars in there with that return, how we would have come out at the end of the year compared to how we come out

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with MBIA. Both MBIA and Alpine Bank have more than one vehicle. Commissioner McCown – but we are going with the Treasury Obligations Fund, is that going to be a fair assessment giving the MBIA using several vehicles on our overall investment and we're choosing only one? Georgia responded we're paying MBIA to help us with our investments, so if we chose not to use them, but instead just invest it in these government pools, MBIA can use several vehicles but we then take away their fee and is that interest more. Commissioner McCown – if this makes more money than MBIA to depositing our entire fund into this Treasury Obligation Fund next year and it may go down the dumper. We're not diversifying. MBIA diversifies our investments and they recommend that. Georgia said we are going to take \$100,000 and put it into this Alpine Trust for this year. Commissioner McCown – but should the study come back, this fund made more money than MBIA and we go okay, let's save the \$25,000 investment; let's investment with Alpine Fund; we dump \$6 million dollars in here and it goes down the dumper because it's all in this one fund.

Georgia explained that they will analysis what the different in interest is and then at that time make a decision, and that would be a decision to make next year. But, diversification is part of the requirement of our investment policy so she didn't think that we, at that time as a group, would make the decision all of our money into one pool. Commissioner McCown – but for the test purposes, we're putting 100% of what we're investing... Jesse – to get an experience with Alpine Bank ... Commissioner McCown – rather than putting \$20,000 in five different ones that Alpine offers. Jesse – that would be another option. Commissioner McCown – to me you would be comparing apples and apples then. Bill Sanderson - and the corporate fund, which is one of the other ones we offer I guess we be similar to the Colorado Trust Investments and you can choose the different levels of risk you want to take, so you could certainly chose one of the other ones in addition to the Treasury Obligation Fund if they want. The same agreement allows you to put the money into whichever federated fund you want.

Carolyn asked if Georgia was asking the Board to give her authority to move from one Treasury Fund to five different funds to be diversified. Jesse – to invest \$100,000 into Alpine Bank Funds and then we'll diversify it within Alpine Bank beyond Treasury. Don noted that this is not what this Agreement says. Commissioner McCown – and this agreement specifies one particular fund. Bill Sanderson agreed. Jesse said we really didn't want to do that, we really want to try out their funds plural to see what the experience is. Georgia – so we would just cross through that 100% in allocation and that we invest in the federated fund. Don said what we want to do is to have the Chair authorized to sign an Agreement that would have diversification within Alpine Bank so we can test their various sources of investment, also I think this Agreement has to by its own terms be limited to one year and also \$100,000. With those changes I think the Chair should be authorized to sign it and then we'll bring it back to have John sign if the Board approves it. Commissioner McCown – with those changes I would make a motion that we move forward with the Alpine Trust and Asset Cash Management Account Agreement; Commissioner Stowe seconded; motion carried.

UPDATE OF INVESTMENT POLICY – GEORGIA CHAMBERLAIN, TREASURER

Georgia Chamberlain submitted the following broker/dealers that have been approved by Garfield County, Colorado:

Banc of America Securities, LLC;

BNO Nesbitt Burns Corporation; Merrill Lynch; Mizuho Securities USA Inc.; Morgan Stanley Dean Witter; and UBS/Paine Webber.

The Investment Policy requires that we buy our securities through an approved brokers and dealers and on Annex Four Fulgies Securities has not changed its name to Mizuho Securities USA, Inc. and would like to make that change on our Investment Policy.

A motion was by Commissioner McCown and seconded by Commissioner Stowe that Banc of America Securities, LLC; BNO Nesbitt Burns Corporation; Merrill Lynch; Mizuho Securities USA Inc.; Morgan Stanley Dean Witter; and UBS/Paine Webber be included in the Investment Policy; motion carried.

CONSIDERATION/APPROVAL OF RESOLUTION ESTABLISHING LEASE PURCHASE PAYMENT FUND

Jesse Smith and Don DeFord were present.

A draft Resolution was submitted regarding the Lease Purchase Payment Fund that would by statute and under the Board's regulations establish a separate fund for payment of the lease purchase obligations of the County. Jesse explained the substance of this and why we need to have it saying that at the present time we've got three (3) different lease purchase agreements, 1) with Kansas State Bank on Road and Bridge; 2) Kops repayment of lease purchase for the Jail; and also 3) Kops for the Courthouse Annex and the two Road and Bridge Facilities. Instead of running these through three different funds or through the general fund, it would be a lot cleaner, since these could potentially go on for 20-years to consolidate the lease option payments into one fund and then transfer monies into that and make the actual lease payments our of the fund to keep them absolutely clean in case down the road sometime we decide another lease purchase that would involve construction payments, we don't get those co-mingled and lose track of them.

The November 2003 will be the last payment on the Kansas State on Road and Bridge.

Don stated he felt this was the proper and legal way to do this and in the future, which the Board will see periodically are Resolutions similar to this that address other funds the County such as the Road and Bridge which is Enterprise Fund, Motor Pool, perhaps the Fairgrounds, Search and Rescue – this is just the first and this is the proper way to go.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that the Chair be authorized to sign a Resolution establishing a lease purchase payment fund; motion carried.

AIRPORT LEASES – PRECISION AIRCRAFT MAINTENANCE (CHANGE OF MAINTENANCE OBLIGATION); UPDATE TFD, GORDON, ETC. – BRIAN CONDIE, AIRPORT MANAGER

Brian Condie, Glenn Chadwick and Carolyn Dahlgren were present. The Hangar Lease was presented before the Board. Brian said we approved a lease negotiation with Precision Aircraft Maintenance for five

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years after review by Precision Aircraft and they want to make one change that was, they were responsible for all the maintenance to the hanger and the lease rate was discounted to show such. Their concern was that if it was a major item over their discount rate that they would be liable for it and so Brian's recommendation of request is that we add in their lease "that any maintenance over \$2100 per year, that the County would pick up additional costs of that." There isn't any foreseen but as to liability and burden that Precision Aircraft Maintenance doesn't want take, it is our hanger and we need to keep it in good repair. Carolyn said the draft in the Board's packet shows the savings language for 29.1.10 your budget law and also for the Tabor Amendments and Mr. Chadwick is present and represents Russ Pierce and Glenn understands the Tabor issues and will explain to Russ that we can't take on multi-year obligations. We can only spend money on it if it has been budgeted and appropriated.

Glenn Chadwick, Attorney representing Precision Aircraft and Russ Pierce, said that Carolyn and he worked on the lease modifications together, some language changes, etc. and we accomplished all of them. The one thing he was unable to persuade Carolyn about was something that may be a policy question for the Board to consider and that is provisions in these leases that say the County has the right to interrupt utility service or to relocate or construct new facilities that may interrupt business and it says in the documents that the County will be reasonable in doing those things and will try to give advance notice to the lessee and so on. But it also says the County shall absolutely no liability if the County breaches those promises if the County's unreasonable or fails to give notice or whatever. And for this lease and the future long-term inducement for people to invest in that Airport it would seem to Glenn that it would make sense for there to be some mutual contract language there if the County's making a promise to be reasonable that they ought to be able to assume some liability if they're not. This was proposed to the Board as more of a long-term policy issue than something to change the document here today.

Commissioner McCown stated that the utilities coming to the Airport are not controlled by the County, those are controlled by the City of Rifle. We have no control over those utilities is the point. Glenn said he understands no liability for that however, if you decide to move things around on the Airport and need to dig up a sewer line and move it someplace else, that's something that is within your control and if that's reasonable to have a 4-day interruption of service because of that and you have 4-month interruption is hard on businesses. Chairman Martin stated that's identified in this Agreement under Article X under major utilities and that language is in there. Glenn added it was also in XIV also.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe that the Chair be authorized to sign the Lease Agreement with Precision Aircraft; motion carried.

Gordon Hanger

Brian Condie and Carolyn Dahlgren were present.

The initial drafts of both the drainage and building site plans have been submitted, changes have been made on both of those and he was involved in this. We are awaiting their response on the revisions and at this point, it doesn't look like they will meet their December 31st start date, so it's his recommendation that we send the notice of default.

Carolyn said Mr. Martin has already been authorized to sign that at the last Board meeting.

Heads-up of New Things – The Flight Department - RIFLE JET CENTER

Brian submitted a memo addressing a letter from Andrew Doremus, president of the Rifle Jet Center dated December 12, 2002 submitting a request a formal hearing at the Commissioner's meeting on December 16. The Rifle Jet Center is requesting a three-year option to lease parcel 1E and 2E at the Garfield County Airport. The parcels listed are located where the current Airport Manager's Office and Rifle Helitack are located. If this request is granted, the Rifle Jet Center will pay for the improvement survey. The size of the parcel requested would need to be 240 feet x 260 feet to accommodate a hangar of 200 feet x 200 feet.

Brian stated we will go with the Flight Department and then we'll take about our AIP.

Jim Hybarger, Manager of the Flight Department and Rifle Jet Center was present. Jim said we need to tie up this lease this parcel until everything with Gordon Lease or other areas on the Airport are clarified and taken care of. We would also like to put the option on this property in case the Gordon Lease goes ahead and is complied with. Also, the parcel 10F, the one that we have presently leased to meet our requirements for the FBO, the study is not back on that and just to tie this up so we don't lose out in case this 10F parcel is deemed unacceptable for a hanger of this size that we require.

Brian added that the major issues being looked at here have to do with property on 10F and whether we can build on that or not. The County Commissioners have asked Brian to go ahead and look into that and submit the 74-60 which is complete except for a survey of the land and the surveyor for the County has been unable to assist me with that, so Brian will need to contract out a survey for that to complete that 74-60 and submit that to the FAA, at which time once we get that bank and find out exactly what we can use this piece of property for, he will give a lot of details into the direction as far as we can go as far as the Airport. From there, the Flight Department from talking with Jim and Andrew doesn't want to make the same mistake they made in the past of not having enough room to grow. They want to tie up this land where Brian's current office is, if it's tied up under a lease or an option then they can go ahead and pursue the clients that they aren't trying to get into the airport. They don't want to promise something that the Commissioners say they are not going to give up the office or the BLM or those facilities down there so they are wishing to pursue clients that will use a larger hanger like what he's requested. Some of the concerns are: we will have to relocate three buildings and one is okay – his office; We need to relocate the BLM and provide a place for them and we're talking with the Flight Department about that and they are willing to help with that cost; and also a shop out there that would be relocated. In talking with Andrew if he does get the piece of property where the office is, Brian asked him if his intent was to build on his current leased option place and that would be three parcels of land and Andrew said at the present time that his intent to do that. He would rather build next to him where Gordon is and that's why we're waiting on that, so if we wait probably 60-days and to give the Board a heads-up of what's coming, Brian's recommendation is that 2-weeks after we get the 74-60 then notice of proposed construction back from the FAA that the Flight Department make their final decision as to where they want to build now and in the future. This is stated in Section II on B that after the Airport gets that back they are given 14-days to decide

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whether they want to relinquish this or go ahead and include it in their lease, which I think we're on the final draft of that and they've received a copy.

11F is where Gordon is at present – the east end of the Airport. 10F – is that going to be adequate in size the build the size hanger that Jim initially proposed to build. Jim said they initially proposed to build, yes. We have two prospects in the works right now that this parcel would not be large enough. We would have to have a parcel 240 x 260. Commissioner McCown stated that given the fact that the lease of the parcels for the BLM, the office and the shop would be considered a different type of lease than those leases that would incorporate bare ground; are there any additional provisions as far as the County's cost in reestablishing lease facilities in another location. Carolyn stated that BLM is not an on-going lease, rather an annual lease. We could add this as part of the lease negotiations to include the relocation of these facilities. Brian stated we have discussed this and thought we addressed it in Jim's letter, 1A(d), just a "shared expense." Commissioner McCown stated this couldn't come forward in this year's budget as it's not been allocated for this action, so there's some problems with this on its face. Carolyn mentioned these were business and not legal decisions however, the County Attorney's office can write the option agreement to meet is being negotiated but she questioned whether or not it needs to be a 3-year option as well. So much of this depends on the VOR Resolution and that's a very important thing to get out of the meeting today is whether or not Brian can go hire somebody on contract to survey that land because we can't get the Feds to act until we actually have a legal description.

Commissioner McCown asked if it would be unreasonable to request Brian to continue negotiations with the Flight Department and come back the first meeting in January with a draft option agreement. Jim Hybarger agreed. Brian said he does have a professional services budget to hire a surveyor. Commissioner McCown suggested to bring BLM back in before the Board with the construction of the new joint fire house facilities and the need for additional space that they are currently utilizing and discuss with them how critical it is. Brian said all this plays off the Master Plan and the revisions and changes for that and the Board was shown the layout plan showing the golf course planned at Stillwater and he has talked with the FAA and CDOT and run by them for putting in a taxi-ways and potential box hangers and pointed out on the diagram. What we're doing with the FBO is attracting the high-end business jet in there and with future demand on a smaller aircraft it might get pushed out of the hangers, what this would do is let us take our discretionary funds and build taxi-ways at the 90/10 split and then we would decide as a County whether to put in T-Hangers ourselves or the contract those out. But the infrastructure would be there so that within 18-months we could have facilities if planes got displaced from Glenwood Springs we would be able to accommodate them on the ramp the smaller aircraft, so Brian's recommendation is to go to Washington Infrastructures with this plan and have them put it on the Airport layout plan, which is approved by the FAA. Carolyn said this is an amendment to the Master Plan.

Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

Infrastructure for the taxiway

Brian stated we would have to provide the power line that's already out there for the T-Hangers and yes we will have to put power, water and sewer and a road base should we decide to do that or we can have a contract to do it. The taxiways come from the north and the access is from the south. Ed asked if Washington also have to identify placement of an alternate placement of the Terminal. Brian said they will put this on the Airport Layout Plan (ALP) that it can be for hanger development and they also have to update the fuel farm – the self-feeler and the new tank. Ed asked Brian if we have to, as part of the lease agreement, do we need to have a budget estimate for the movement of those facilities to incorporate in the lease agreement what it will cost to relocate those three structures. Brian said he can gather that information over the next two months, but it's basically \$10,000 to relocate a modular, but that's only part of the cost, you have water, sewer, the utilities, and then location which they need public access. Also we need to incorporate escalation. Carolyn clarified; the Board is not asking the Attorney's office to do the whole package yet, just the option one which will include these agreements. The 13th of January was requested by Carolyn to come back before the Board.

Jim Hybarger commented that they had just got their tanks installed and power should be applied to them this week and pumping fuel by the end of the week.

ADOPTION OF 2003 BUDGET

Don handed out a revised Resolution adopting the Budget that includes an Exhibit G for the Board and what they need to do for the record and reflected for the record is substitute this for the one in your packets and take the Exhibits you have now A-F and secondly on the agenda, for some reason he didn't see an agenda item for Certification of Mill Levies and this should have been an agenda item and it will be considered at 10:15 A.M. Perhaps it will have to be continued, but it needs to be initiated today.

Don noted this was a noticed hearing and originally was commenced several weeks ago pursuant to notice and continued to today, but for purpose of public notification, additional notification was done on December 9, 2002 so the Board is entitled to continue to proceed.

This meeting was continued and Commissioner McCown requested anyone wishing to testify to be re-sworn.

Chairman Martin swore in the speakers.

Jesse said the Resolution contains Exhibits A – G and called attention to those. Exhibit A is the line item budget for each fund; Exhibit B – a listing of requests for capital purchases during the year 2003; Exhibit C – is a listing of all vacant position as of 12-11-02 and the new position request previously requested through 12-11; Exhibit D – a listing of all current and existing employees as of 12-11 with the current salaries shown (there is at the bottom of each department, an amount that was shown as estimated salary increases but has not been allocated to any individual yet and will be after January 1, 2003; Exhibit E – is the adjusted fund balances and what we are projected in the year-end 2002 as a fund balance and the revenues and expenditures for 2003 and an ending fund balance for 2003; Exhibit F – the calculation of property taxes and allocation of our 13.655 mill levy and one change reflected in Shannon Hurst mill levy report that she will be presenting. Under State Statute we have to retain a minimum in fund balance for Social Services so Jesse moved a small amount of mill levy from the capital fund to Social Services to

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maintain that minimum fund balance – it was about \$150,000; and Exhibit G – is the detailed budget for the District Attorney’s office and is shown in the budget as a single line item. Jesse also called attention to the amount of monies included in the new position, Exhibit C – 100% of the monies in this exhibit along with the 4% pot of money for salary increases has been included under department 2210 in the contingency line items for each fund so it has been divided by fund and has been shown in this contingency line item. Once a position is filled, then the money is moved from the contingency line item into the appropriate department wages line item for the amount for 2003 based upon when the person is hired.

Chairman Martin entered Exhibits A – G into the record.

Don DeFord went through the draft Resolution and explained the alterations from last years’ Resolution highlighting Exhibit F –due to the tax increment financing adopted by the City of Glenwood Springs and the Downtown Development Authority and it results in the gross revenue generated from the mill levy applied to the property valuations and the net that is what Jesse can use as revenue actually available to the County. He also clarified unanticipated revenue and you wish to spend it, this will require a supplement to the budget, but for the receipt of it, you will not need to do an amended Resolution (i.e. TANF Funds in 2002).

Mildred Alsdorf brought to the attention of the Board that we have a Federal Election Law passed and we do not know yet how it is going to impact the County, and made the Board aware that this may mean additional funds will need to be spent. It’s not included in the budget as revenue or anything but there is an unfunded mandate with this Bill. Al the Clerks are writing letters to Ben Nighthorse Campbell asking him to be sure that this Bill gets signed so that these are not unfunded. We will have to have, in every precinct probably by 2004, hearing devices in every precinct. The Secretary of State went to Los Angeles last week as well as other Secretaries of State to be briefed on what the Federal Election Law will do. At the present time the interpretation is that the State will have to have one definite system as Counties as to how you register voters and how that’s incorporated, but as to everything else they are not sure.

Jesse said, once we know the impact and in fact, if there is a budget impact this will have to be brought before the Board as a supplemental budget at that time.

Mildred stated there will be an election November 2003 and unless they say something has to happen before that election, but hopefully this doesn’t start happening until 2005.

There is nothing definite but by 2004 the hearing devices has to be in place.

A motion was made by Commissioner Stowe to close the public hearing; Commissioner McCown seconded; motion carried.

Commissioner McCown made a motion that we have one position that has been highly discussed; it’s the position of the Oil and Gas Auditor, Local Government Designee. He felt from the on-set that the money that we’ve put into our budget, totals about \$80,677 for this position not including any support as far as clerical and vehicular support given the history and he said he would like to see this amount be reduced to a flat \$30,000 line item and the position become a contract position for the year of 2003 and that the money that was in the budget for equipment and/or mileage around \$11,000 that amount still be left in the budget until we get a true need and feel on the ability of this position to function and the ability of this position to serve the County constituencies needs as they believe. And Commissioner McCown moved that this change be implemented – the line item reduced to \$30,000 on a contract position, the \$11,000 that was there for vehicle expense be left in and we would move forward with a contract position as opposed to an FTE. Commissioner Stowe seconded.

Discussion

Chairman Martin stated he feels just the opposite; that position needs to be full time at this time and maybe once it’s established, once there’s a reduced need or something put in place that we can look at a contract or a part-time situation but reducing it to a contract situation now really defeats the purpose in establishing the knowledge that we need for the County and a factual base to bring forward and education, not only the Board but the public and work with the industry to make the best and therefore this needs to be full time position.

Commissioner Stowe said it’s a position and he would concur that we need maybe to explore it, but would hate to see it go as a full time position; anytime we expand government, we compromise what we’ve been voted in to do and it doesn’t always serve the people well to expand government and add new positions. A trial basis for one year at least to see what this position can deliver and will deliver, it’s easy to remove a contract position but it’s not equally easy to remove a full time employment position as we know. I would support Mr. McCown in his motion.

Commissioner McCown – John, and I guess part of what I’m looking at under Section C, opened and new positions we are looking to increase the size of County government by \$712,000 in new position knowing full well that there were five or six positions cut out of the Sheriff’s budget this year. There were other additional requests from elected officials and department heads for increasing their staff that were not allocated and it would be only prudent to follow along that same line and move forward cautiously with this position.

Chairman Martin – I feel that this County has grown and the demands have increased tremendously – we still cannot perform the functions we did five and ten years ago with the staff we have now and that shows by the needs that the public are bringing forward and items that we need to address. We need to be more progressive, we’re not top heavy, we’re not overstaffed, we’re very selective and this position is a very important selection on the oil and gas auditor that really needs to go forward. This is one quarter of our tax revenue that comes into the State that we have no one full time to watch out for. I really feel this is an important issue that we need to take the forefront on; we need to be there and answer the questions and work with not only the citizens, land use but also the industry and our other elected officials that are impacted by oil and gas, the Assessor, Treasurer, Clerk and Recorder, land use planning, Planning and Zoning issues, and the Board of Commissioners making decisions and new rules. I think it would be a great advisory but the vote will tell. If it doesn’t pass, then I may revisit this issue and have another discussion later on.

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Commissioner McCown – what would that insinuation leave me to believe?

Chairman Martin – I just bring it up for comment and discussion at a later time.

Commissioner Stowe – You’re right John, the oil and gas provides a big share of our income each year, we know that, and if it wasn’t for that Garfield County would be making significant cuts right now in our personnel, our wage increases, we wouldn’t have been able to provide the benefits that we have provided over the last years, but this position is not a position to regulate oil and gas as you know it’s just a report back to me Commissioner type position and a place for a response. As an inspector, they have no authority or anything else, so that being said, call for the question.

Don asked of Jesse saying the way the motion has been framed, do you have significant direction to know what item alterations need to be made. Jesse said he is envisioning that this would be an amendment to Exhibit C to change that oil and gas auditor position to a contract position flat \$30,000. That would carry across change totals and it would change the appropriate line item in the contingency for the general fund. And, the alteration would be made in contract and services. This would require a change, and have to amend this Exhibit A and Exhibit C.

McCown – aye; Stowe – aye; Martin – nay.

Adoption of the Budget as amended with the Resolution and all the attachments.

Commissioner Stowe so moved; Commissioner McCown – before I second that, is that the proper procedure rather than discussing the certification? Don – yes, by law you must actually adopt and put in force the budget. Commissioner McCown seconded; McCown – aye; Stowe- aye; Martin – aye.

Don asked that the Chair execute an original of the Resolution of the Budget first. The budget resolution in front of you containing Exhibit G, the changes have been made by motion as Jesse as indicated to Exhibits A and Exhibit C and those are incorporated in the Resolution.

Jesse said the motion to approve the Resolution Don, should that be worded to approve the Resolution with the amendments to Exhibit A and C. Don – yes.

MILL LEVIES FOR FISCAL YEAR 2003

Don DeFord and Shannon Hurst were present. Shannon highlighted and submitted the Resolution to the Board that concerned the approval of the Mill Levies for fiscal year 2003.

This is not a noticed public hearing.

Shannon stated that certification be completed by December 22nd and requires copies of this certification be filed with the following parties: the County Assessor, Division of Property Taxation; Division of Local Governments, and Colorado Department of Education.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Mill Levies for the Fiscal Year 2003 and the Chair authorized to sign; motion carried.

ABATEMENT REQUEST – NEWCOURT PICKER FINANCIAL GROUP

Public Hearing

Shannon Hurst explained that this was due to a change in name from Picker Financial to Newcourt Picker Financial and failed to notify the Assessor’s office; this resulted in a double assessment and need to abate the amount of \$12,787.06 plus the \$50.00 late penalty for declaration.

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

A motion was made by Commissioner Stowe and seconded by Commissioner McCown that we approved the abatement request for Newcourt Picker Financial Group in the amount of \$12,787.06 plus the \$50.00 fee; motion carried.

PRIORITIZE ENERGY IMPACT GRANTS

Carolyn Dahlgren inadvertently failed to notify Teresa Hamilton who represents School District 16 of the meeting. The Board decided to go forward since this has a March hearing date. Juanita Satterfield, Clerk of Parachute was present as a voting member.

- **BATTLEMENT MESA SCHOOL HOUSE RESTORATION**

Judy Hayward presented the request for \$200,000 to use the preserve the old Battlement Mesa School House and use it as a museum and a community center. One very important aspect of the museum will be the telling of the history, development and production of energy and minerals in the area.

- **GRAND VALLEY EARLY CHILDHOOD LITERACY CENTER REMODEL – SCHOOL DISTRICT 16**

This is a request of \$198,859.00 to complete the renovation of the “Old Grand Valley High School” into the new Grand Valley Early Childhood Literacy Center. It will provide additional classrooms for the Head Start Program as well as a much-needed Family Literacy Center, office space for the Garfield County Public Health Nurse, and updating the gymnasium area to be more fully utilized by our community.

- **GARFIELD COUNTY DISTRICT RE-2 COAL RIDGE HIGH SCHOOL RFTA BUS STOP**

This is a request for \$231,922 to design and construct a RFTA bus stop at the yet to be constructed Coal Ridge High School between New Castle and Silt, Colorado. This would enhance transportation to the new school by students, staff and community members.

The Commissioners ranked the Energy Impact Grants as: Priority No. 1 – Battlement Mesa School House Restoration; Priority No. 2 – Grand Valley Early Childhood Literacy Center Remodel – School District 16; and Priority No. 3 – Garfield County District RE-2 Coal Ridge High School RFTA Bus Stop.

REQUEST TO CONSIDER A SPECIAL USE PERMIT REQUEST FOR THE RESTORATION AND ENHANCEMENT OF A DEGRADED POND AND THE REPAIR OF EXISTING INLET AND OUTLET STRUCTURES IN THE 100-YEAR FLOODPLAIN (LOT 6, ASPEN GLEN).

APPLICANT: BRITTON WHITE

Don DeFord, Tamara Pregl, and Shane Harvey from Holland and Hart were present.

Don reviewed the regulations for noticing and the submittals from the applicant. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

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Tamara Pregl submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts and Publication; Exhibit B – Garfield County Zoning Resolutions of 1978; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D – Staff Report dated December 16, 2002; Exhibit E – Application Materials; Exhibit F – Letter from Shane Harvey, Holland and Hart, dated October 2, 2002: addendum to the SUP Application; Exhibit G –Email from Steve Anthony, Vegetation Management Director dated October 15, 2002; Exhibit H – Letter from the US Army Corps of Engineers dated June 14, 2002, regarding the enhancement and restoration of the pond. Exhibit I – Site plan delineating location of existing inlet and outlet structures; and Exhibit K – Letter from the US Army Corps of Engineers dated October 30, 2002, regarding the repair of the existing inlet and outlet structures.

Chairman Martin entered Exhibits A - K into the record.

The applicant requests a SUP for the development within the 100-year floodplain for the restoration and enhancement of an existing pond, and the repair and maintenance of existing inlet and outlet structures. The existing pond lies between the residence and the Roaring Fork River. The existing pond consists of approximately 6182 feet (0.16 acres) of open water and has a depth ranging from 1 to 4 feet. The pond is fed by ground water and by a surface diversion from the Roaring Fork River. The pond will be excavated to remove accumulated sediment, and to provide an average pond depth of 6 – 8 feet.

Recommendation:

Staff recommends the Board approve the White Special Use Permit for development within the 100-year floodplain and floodway for the restoration and enhancement of an existing pond and the repair and maintenance of existing inlet and outlet structures, subject to the following conditions: with the following conditions:

1. All representations of the applicant, within either the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, and the US army Corps of Engineers as required.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a special use permit for development within a hundred year floodplain and floodway for the restore and enhance an existing pond, and the repair and maintain associated existing inlet and outlet structures with staff's two recommendations as noted. Motion carried.

REQUEST TO CONSIDER AN APPLICATION TO AMEND THE SPECIAL USE PERMIT FOR A COMMERCIAL/RECREATION FACILITY LOCATED OFF TRANSFER TRAIL, NORTH OF THE CITY OF GLENWOOD SPRINGS. APPLICANT: GLENWOOD CAVERNS, INC.

Don DeFord, Mark Bean, Chuck Peterson and Steve Beckley were present.

Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He stated they mailed the notice on November 19th, which is less than 30-days prior to today's hearing; the proof of notices were all received on November 20th. The Board explained if the applicant chose to proceed, it is their risk. Steve Beckley acknowledged that he understood the risk. The Board decided to go forward. Chairman Martin swore in the speakers. Mark submitted the following Exhibits: Exhibit A – Mailed returned receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; Exhibit F – Glenwood Caverns LLC. Special Use Permit application dated November 2, 2002; Exhibit G –Review agency form from the City of Glenwood Springs dated November 26, 2002; and Exhibit H – Letter to Glenwood Tramway LLC. Charles Peterson from Robin Milyard Public Works Director City of Glenwood Springs dated December 6, 2002.

Chairman Martin entered Exhibits A - H into the record.

Mark noted for the record that he had not received any verbal comments other than the written comment from Robin Milyard

This is a special use permit to allow for "commercial recreation facilities" specifically. The Glenwood Caverns project located north of Glenwood Springs approximately ½ mile. The applicant is proposing to modify the SUP that a modification of a previous SUP that the County had originally approved the project in 1999 and amended in 2002, by Resolution 2002-47 and specifically Condition 1(m) requires that the tramway and upper building be completed by December 31, 2002, which the applicant is requested that the time be extended. Additionally the applicant has proposed to change the method of sewage treatment from the Tramway Tower top itself from individual disposal systems to the use of the Glenwood Springs sewage treatment facilities and their sewage system itself. The applicant has previously received approval for the 4300-foot long tramway that would originate from the 3-acre parcel in Two River's Plaza and extend to 9400 square foot Visitors Center where the sewage would originate as mentioned earlier. The applicant has met all of the previous conditions and is in the process of constructing the entire project. The City of Glenwood Springs has reviewed the application and they did originally make a comment regarding the requirement that the City approve the proposed modification and connection to the sewer system. The City is willing to accept the method of transporting the affluent from the Visitors Center at the top of the Tramway down to the bottom and get it into the sewer system itself. The original proposal was to use ISDS, which was amended per the application. In this case the Visitors Center will use a 1500 grease trap that would then flow into two 2500 gallon septic tanks and into the affluent storage tank which would then pump the affluent and feed directly into the system via a transport system that would be hanging from the Towers themselves.

Mr. Beckley explained this and stated that this has been used in the Vail area very effectively for pursuant on top for situations like this. Staff has reviewed all of the other applicant information and Condition No. 8 in Resolution 2002-47 requires that you approve the new sewage treatment facility as a part of allowing the applicant to expand the Restaurant service that would occur up in the facility. Staff is recommending approval with the following conditions:

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1. All conditions of approval contained in Resolution No. 2002-47 shall remain in place, except for those conditions amended by this resolution.
2. Condition No. 1 (m) of Resolution No. 2002-47 shall be amended to read: the applicant shall complete construction of the Tram and Visitor's Center by June 15, 2003.
3. Condition No. 8 of Resolution No. 2002-47 shall be amended to read: The applicant will receive final approval of the as built sewer system connecting the Visitor's Center and associated facilities, from the City of Glenwood Springs prior to issuing the permit. Additionally, the applicant shall obtain a license from the Consumer Protection Division of the Colorado Department of Health and Environment, for the restaurant prior to opening. Copies of the license and a letter approving the as-built construction of the wastewater collection system shall be submitted to the County Planning Department prior to issuance of the Special Use Permit.
4. Condition No. 9 of Resolution No. 2002-47 shall be deleted.

Steve Beckley stated the time lines have been a challenge due to starting later than hoped for and winter construction at that elevation is also a challenge. They are working as hard as they can but requested the Board consider moving the completion date for August 1, 2003. They are anticipating having this completed before them but this will give them some latitude.

Mark stated he has a couple of verbal comments related to the color of the towers. Steve stated they are manufactured out of Grand Junction and when they originally has specifications for the tower they insisted they be galvanized and need to be painted. But, the painting can become a problem in maintenance due to the difficulties in painting a structure like this, so they requested galvanized with acid washing as this tends to dull and it is a process that will continue to dull the towers. They start in a gray and will continue to get less reflective as time goes by. The gray that is there now is above the requirements of the U. S. Forest Service for all of the ski lifts that are installed on forest service lands. The challenge that they see is that not all the acid retention was the same initially in the acid washing so some of the pieces appear to be lighter than they will eventually be. Steve said they have made every effort possible to try to minimize the visual impacts of the tramway and the comments he has heard have been very positive especially to having the tramway above the trees and not having a clearing of trees. He asked that the color be accepted as is presently.

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

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to amend the Special Use Permit for a commercial and recreation facility located off of Transfer Trail, north of Glenwood Springs for Glenwood Caverns, Inc. with the recommendations of staff 1-4 as noted by staff changing No. 2 to a date of August 1, 2003; motion carried.

REQUEST TO CONSIDER AN AMENDED PLAT REQUEST FOR ELIMINATION OF THE LOT LINE BETWEEN LOTS 3 AND 4, BLOCK 3, OF THE ELK CREEK SUBDIVISION.

APPLICANTS: BRIAN SCHWARZ AND SUSAN DARDINE

Tamara Pregl, Brian Schwarz and Susan Dardine were present.

Tamara submitted the amended plat to eliminate the lot line between Lots 3 and 4, Block 3 of the Elk Creek Subdivision. One thing she pointed out was that under the recommended conditions, No. 2 has been met – she did receive a letter from the Homeowners in the Elk Creek Subdivision and they are in favor of the amended lot line. And, staff is recommending that the Board approve the amended plat subject to Condition 1 and Condition 3, deleting Condition No. 2 as it has been met.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the amended plat request of Brian Schwarz and Susan Dardine with the recommendation of staff, Conditions 1 and 3; motion carried.

CONSIDER AUTHORIZING THE CHAIRMAN TO SIGN THE ANNEXATION PLAT FOR THE COUNTY ROAD 236 AND COUNTY ROAD 231 RIGHT OF WAY ANNEXATION TO THE TOWN OF SILT

Mark Bean stated this was placed on the agenda at the request of the Town of Silt, however, the County just received the petition and the proposed plats on Friday afternoon; there he requested this be continued until January 6, 2002 because these have not been reviewed nor has it been forwarded this to the County Surveyor. Don remarked that the County Surveyor remains the Surveyor until the Board appoints a replacement.

Don stated the concept has been discussed with the Board at least twice but we do need to have the Surveyor confirm that this is the correct property.

The Board concurred.

DISCUSSION REGARDING THE L J SUBDIVISION – KEN CALL

Ken and Carol Call were present and stated they were here on behalf of the interest of their son, Brad who is going to be the ultimate owner of this lot in the L J Subdivision. The Board approved the L J Subdivision with conditions and most of them were considered minor. He believes he has met all conditions in the Resolution of approval with the exception of determining the amount of the school and the traffic impact fees. Planning has gained two final plat applications as the complete them. One reason is that he hasn't paid the school and traffic fees. His main argument was the amount being assessed of approximately \$12,000 for school impact fees and yet in close proximity to him, the Sunlight II Development only paid \$200. Ken completed a full account of the processes he went through with Building and Planning and summarized that the only two conditions Ken feels are still outstanding are the school and traffic impact fees. Staff actually denied his final plat filing twice – first was for lack of his payment for these fees aforementioned. The second denial is one the Planning wanted addressed, "your submittal materials do not include any documentation indicating the provisions of the homeowners association or any information indicating how the Homeowner's Association will own and operate the water system along with the proposed method of financing." This is a subdivision regulations and intended for a community water system – it doesn't fit a simple well sharing agreement. He didn't understand why this wasn't address in the previous three hearings

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by two different planners. 50% of the well interest is being deeded to their son along with the lot for a fee of \$100. Ken described how he and his son have worked out payments of water and is the extend of any financing. The other grievance is over the traffic impacts however in order to move this forward, he agreed to pay \$2,527.00, which is approximately the same as Sunlight II. Then he was informed of another traffic impact fee by Planning - \$583 versus the \$2,527.00. This amount was not given to him until after denial of the final plat. Therefore, when he resubmitted his final plat, he computed traffic impact fees based upon equity with these recent decisions by Planning. \$583 for the traffic and \$284 for school impact fees. He included checks for these amounts and they were marked paid in full. Planning rejected his second final application and decided to keep his checks in the process. He requested his checks back and was told that he would receive them. It was about 11 days ago and apparent the check is still in the mail. This is an unacceptable practice under any standards. Now the Planning Department and Ken Call is deadlocked. Information was copied to the County Attorney and the response from the Building and Planning was that a review of the current information and holding the checks was proper. The fees were to be paid at the time I filed and not at final plat. Ken stated his purpose here today before the Board and his request is for the Board consider request the Planning Department to set a hearing date for the final plat to be heard before this Board even though the Planning deems the application as being incomplete. He added that today he didn't expect any discussion from the Board or a decision at this time. If the Board directs planning to set the hearing, he will pay the amount of the impact fees that this Board deems as fair and equitable. Carol Call reiterated that this report of the activities with this application was about as concise a report that they could make in 10 minutes. She also thinks it is an un-necessarily complicated tedious procedure for just a lot split. When we talk about attainable housing and everyone trying to help their kids, then you get to this point and time is money and have spent plenty of both just trying to get this one thing done, it seems unnecessarily complicated.

Mark Bean stated there isn't a hearing on the final plat, never has been, usually final plats are submitted to the Board of County Commissioners on the Consent Agenda after all conditions and stipulations have been met. This issue could be legally addressed now, as it doesn't require a hearing. We can deal with the issues Ken addressed and would be glad to response if the Board wishes. Or, if the Board wants to review the information, that is also within the purview of this Board.

Commissioner McCown stated he didn't have the information before me that would refute anything Ken Call said, so if there is testimony available that would give cause as to why a traffic impact fee might be different to one individual than another or a school impact fee, that needs to be brought to light.

Mark stated he could do that now or at another time if the Board would like to postpone this discussion.

Chairman Martin wanted to go forward now.

Fred Jarman passed out to the Board are two items: 1) is the last letter he sent to the Calls that basically outlines the deficiencies in their final plat to-date specifically addressing the impact fees, school land dedication fees and the lack of a Homeowner's Association documentation; and 2) is the actual Resolution that the Board approved for that subdivision. This is a subdivision and is not a minor subdivision; there is nothing in the Regulations for a minor subdivision. This is not an exemption, so this division, what they call a lot split, is definitely a lot split but is also is a full blown subdivision and as such has to respond to all of the subdivision regulations that this County has adopted. As to the points raised by the Calls, discussion has been held with the County Attorney's office in detail as far as the applicability of the traffic impact fee calculation.

Commissioner McCown noted more attention was toward the school impact fee than the traffic.

Mark said the Regulations require that per Section 9.8.1 "unimproved market value for the property shall be determined by an appraisal performed within the last 24 months for the applicant. An appraisal was used for the Sunlight View Subdivision as the comparable and stated he didn't know what the numbers came out to be. They haven't seen an appraisal but the Calls have relied on the calculation of the school fee that was the basis for Sunlight View, which was according to Ken, the \$236, which is the same for the Calls. The difference here is unfortunately that there is a big difference here but there's no appraisal on the Call's property that's used as a basis for this. Rather they were relying on a comparable piece of property in the area.

Commissioner McCown asked what Mark used to base the land acquisition on.

Mark said they did not. They gave the Calls a figure as noted that if this was for a subdivision exemption the impact fees for the school district do not apply and there's been a standard \$200 fee that has been used since the '80's. This did not qualify for a subdivision exemption because it was less than 35 acres in size and we changed those regulations back in 1996 and one of the previous exemptions referred to was were in the Chelyn Acres areas but all of those were prior to the change that required at least 35 acres as the minimum to qualify for a subdivision exemption.

Don said his involvement in this has been the question, do the Subdivision Regulations apply to this lot split and answered yes it does because that's the way your regulations are drafted and we don't have a minor subdivision process, we've considered it but never adopted.

Mark added that normally we don't have a hearing on these application so our procedure has been to have the applicants pay the applicable impact fees that are receipted by the Planning Office and normally cashed when received by the front office. As to the road impact fees, the regulations do call for and this is a choice on the part of the Calls if they so chose to pay ½ up front and ½ would be paid at time of building permit.

Carol Call said one of their biggest concerns now is on the traffic impact fee because another property owner in Chelyn Acres has been quoted for their lot split, \$583 and they are ½ mile further up the road that the Calls. Carol has seen it in print from the County, the owner showed it to them.

Mark stated this figure was a miss-quote and would be corrected at time of final plat.

Ken pointed out there was another calculation-calculation and now his neighbor will have to pay more.

Chairman Martin clarified that the calculation that you have here under the inflationary fee of \$2527.65 is the proper estimation and that's what the impact fee for the two lots would be.

Mark confirmed based upon the formula based as part of the road impact fee system.

Commissioner McCown – based on 10 Average Daily Trips (ADT's).

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Mark – 9.97 ADT's. Calculations in area eight of the Four Mile Area are cumulative per A, B, C, and D and if you live in E it would be included, etc.

Fred – this approval the Board gave to the Calls indicates there was discussion on that number and it is listed in the Conditions of Approval and number K in the preliminary plan staff report to this Board, Resolution 2002-66.

Commissioner McCown questioned if the well sharing agreement was enough or did the Homeowners Association have to be formed in order to meet the criteria?

Don said there were two things that had to be considered: the Subdivision Regulations require as an entity that owns and controls the system. This we have accepted things other than Homeowner's Associations, unincorporated associations is the usual alternative, however the Board's approval specifically required a Homeowners Association and that's why the Planning staff had to require that specific entity here.

Fred said this was discussed in detail at Preliminary Plan, May 20, 2002.

Chairman Martin mentioned a minor subdivision would solve many problems.

Carol Call – when we were talking about the exemption process changed in 1996, they have owned this property since 1967 and lived there since 1969. There had been many exemptions before VanDevers which was in 1989 and some people were aware that this might happen so they went ahead and got their exemptions up there. What started out, there was supposed to have been a minimum of 3-acre lots, there are at least 3-parcels that have been divided into 3-acre lots. She acknowledged they were here after 1996 but it seems like if you held the property that long, it should be grand fathered in and seems ridiculous. There are others in the County who want to do the same thing and everybody shouldn't be paying \$20 to \$25,000 to get this done on a piece of property they already own and actually she said they are getting off fairly cheap compared to some other cases they heard of in other counties and in Garfield just because we have people who actually gave us some sympathy and empathy and didn't charge us their going rates.

Ken stated, in order to move this process along, he will pay the amount of the traffic impact fee, but cannot understand by your own regulations and all this calculation under a Subdivision, how do you calculate for the exemption? An exemption is only paying \$200. In the RE-2 area, many are \$200 a residence, what price the value of the property have in the school impact fees. It's the number of children created and not the value of the property. However, he will pay whatever the County says for the school impact fee however his point is to use some common sense and equity in establishing these fees and requested the Board give this some consideration.

Commissioner McCown said the problem we have with the school impact fee is the way they are calculated in our subdivision regulations and agreed Ken was right that it is completed different from an exemption.

An exemption is a flat \$200 but once it comes into the subdivision regulations, the school impact fee is calculated at the rate of the value of the property, prior to development and we have no leeway on giving you that exclusion because it's a single lot split than would be any different than Sanders Ranch.

Ken said he appreciates the Commissioner's time and like to close and like to have his checks back and go through the process so that when he pays, it is going to be the full amount.

Commissioner McCown – clarified that he wanted either his checks back or cash back for the amount he previously submitted.

Mark apologized staying his checks had been deposited shortly after the department received the funds but they will refund the money.

MEDICALLY SUPPORT THE MEDICALLY UNDERSERVED POPULATION – WEST END OF GARFIELD COUNTY – DIVISION OF SHORTAGE DESTINATION HEALTH AND RESOURCES AND SERVICES ADMINISTRATION

Chairman Martin said this is a letter from them to support the Division of Public Nursing, etc. This means, as we have done in the past, is to support the underserved and do everything we can to make sure that they are serviced in our District. The request is for a support of that principle through the Garfield County access to resources to promote optimal health and well being acquired by the designation of the critical milestone accomplishing their vision.

Commissioner McCown asked if the signing of these kinds of letters where we get feedback that we, in conjunction with RFTA, wanted a Park and Ride. These broad base supports of under funded nursing care are we going to see in the next 6-months saying well you guys supported this, here we need some money.

Chairman Martin said this amounts to that it's in principle and that we're going through public nursing and trying to support their vision. It's no obligation other than a support letter.

This will be tabled until the Public Health reports later this afternoon.

OIL and GAS JOINT VENTURE ON RULE CHANGES WITH CCI AND THE OIL AND GAS ASSOCIATION

Chairman Martin said this is presenting a rule change of three rules on January 6, 2003. This is the proposed rule changes that CCI is proposing and are being asked if we want to send a representative to support the rule changes. The Board can agree or disagree with the proposed rule changes. A letter of support can be made as well.

Don clarified this was the Rule Making Hearing.

CONTINUING LEGAL SITUATION – JACK STOVER VERSUS THE COLORADO INTERMOUNTAIN FIXED GUIDEWAY AUTHORITY

Chairman Martin stated we are receiving information because we are members of the Authority in reference to the lawsuit received December 13, 2002.

CITIZENS APPEARING NOT ON THE AGENDA

Georgia Chamberlain stated she was already back to amend the Banking Agreement. When typing in all the blanks as far as the wire transfer, the bankers told Georgia that she misunderstood something on the repetitive transfer. A repetitive transfer means that it's the same bank and the same bank account but the amount may change. So, what Georgia did was typed up the repetitive transfers and every page has to be signed by the Board. On Jan Burns, Georgia made it so that she can only do repetitive transfers. This is to add some protection.

EnCana Natural Gas – Proposed Drilling – Dry Hollow

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Nancy Jacobsen – 6538 CR 331, commonly known as Dry Hollow, Silt, said she received a certified letter from EnCana Natural Gas on Friday of last week and they are interested in coming back into the neighborhood to an undeveloped parcel via their private drive to explore for natural gas. She explained that this was noticed when some neighbors saw them surveying. The plan to drill January 15, 2002, giving the neighbors very little time to obtain some help. The driveway they are proposing to use is a private road maintained by the homeowners. However, she understood there was a handshake agreement between the Road and Bridge with EnCana not to take the oil rig heavy equipment on the lower portion of this road. Commissioner McCown noted this was not a handshake agreement.

Nancy submitted the letter she and neighbors had received; the County offered to review it and be of some help.

Bill Griffin had two concerns: 1) traffic on haul route, changes due to increase of the drilling patterns that will concern safety issues; 2) the status of a proposed CR 347 that would then run south from Chipperfield Road, CR 235 then traveling on Chipperfield going south.

The determination was that this particular road and proposed to grant the County this road; the County refused it.

Mark added it was a 40-acre exemption; the Board refused to take over those roads; no new road is proposed.

Chairman Martin summarized that the only agreement is to do maintenance on the extension of that road and that it may warrant sitting down and looking at it if the Board begins to see a heavy use on the road that it may be that Road and Bridge would make a recommendation and this would come back to the Board.

HUMAN SERVICES COMMISSION

SIGN 2003 HUMAN SERVICES GRANTS

The following Human Services Grants were recommended:

Advocate Safehouse			\$ 9,474
Aspen Foundation			1,000
Catholic Charities			5,000
CMC Nutrition			1,000
CMC – RSVP			14,000
CMC – The Traveler			24,000
Colorado West Counseling/Recovery	50,500		
Columbine Home Health			8,500
Columbine Homemakers			5,000
Cooper Corner			3,000
Family Visitor			20,000
Garfield Legal Services			7,500
Girl Scouts			1,000
Literacy Outreach			10,500
Columbine Mtn. Family Health		10,000	
Mountain Valley Developmental Services	30,000		
Planned Parenthood			1,500
Roaring Fork Family Resource Center	2,000		
Roaring Fork Hospice			2,000
Salvation Army			4,000
Sopris Therapy Services			4,000
Youth Zone (Garfield Youth Services)	12,500		
		Total	

\$228,724

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Human Services Contracts except for Columbine Mountain Health and Salvation Army; motion carried.

Human Services Commission

Sandra Swanson and Alissa Moore Sims gave a presentation on the Nurse-Family Partnership (helping first-time parents succeed), giving impressive statistics: new babies born in 2000 in Garfield County 793 – 25% Hispanic origin; 24% of the mother with less than a high school education; 22% of mothers younger than 25 years old and 30% of those are single mothers.

The funding allocated by the 2000 State Legislature for FY 2002-2003 was \$6.3 million. As of January 2003, the program will be available at 18 sites representing 49 of Colorado’s 64 counties.

WARRANT APPROVAL – LOIS HYBARGER

Lois Hybarger submitted the warrant list respective programs and the individual amounts for a total of \$99,984.71 for October/November and requested the signature of the Chair.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair’s signature as so stated by Lois Hybarger in the amount of \$99,974.71; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Health; motion carried.

BOARD OF SOCIAL SERVICES

CONSIDERATION AND APPROVAL HAVE 2003 CONTRACTS

TANF CASE MANAGEMENT AND EDUCATION SERVICES FROM COLORADO MOUNTAIN COLLEGE

Lynn Renick explained that the two contracts need approval from the Board: one is a contract for the period July 1 through December 31, 2002; the other is for the period of January 1 through July 31, 2003. The signature has been obtained from CMC. The total amount is \$13,500.

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A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contracts for CMC in the amount of \$13,500 and authorize the Chair to sign both; motion carried.

CHILD SUPPORT ENFORCEMENT INTERGOVERNMENTAL AGREEMENT WITH PITKIN COUNTY

Lynn explained the Agreement was in the Board's packet for review and Garfield county is the Contractor. This requires the Chair's signature as well.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair's signature on the Child Support Enforcement Intergovernmental Agreement with Pitkin County; motion carried.

CONTRACT FOR LEGAL SERVICES WITH THE COUNTY ATTORNEY'S OFFICE FOR CHILD SUPPORT ENFORCEMENT CASES

Lynn explained that Carolyn Dahlgren was reviewing these and the contract was included in the Commissioners' packet of information.

CONTRACT FOR LEGAL SERVICES WITH THE COUNTY ATTORNEY'S OFFICE FOR CHILD AND ADULT PROTECTION CASES

Lynn explained that Carolyn Dahlgren was reviewing these and the contract was included in the Commissioners' packet of information.

OUT OF HOME PLACEMENT CONTRACTS

A list of placements, identified by State Identification Numbers with the provider name and annual, not to exceed amount for 2003, was presented for the Board's review. All contracts are for an amount not to exceed \$10,000. Lynn stated the current contracts are all under \$10,000 and the County Administrator will sign.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the list as submitted for the out of home placement contracts; motion carried.

INSURANCE COVERAGE FOR PROVIDERS

Carolyn Dahlgren – Feedback from Colorado West Regional Mental Center and from one of the child placement agencies, Area Clinical Services. The documents were sent out with a \$10 million aggregate assuming people would be calling. Thus far, only these two have called. They are able to up what they did have, which was a \$2 million aggregate, to a \$3 million aggregate for what they consider a reasonable amount of money. To go beyond the \$3 million requires these particular types of professionals to carry an umbrella policy and for this one individual, CPA, would mean that their premium would go up \$10,000 a year. Therefore, Carolyn stated they are assuming that this is not what the Board wants to do as it essentially would close these folks down and there would not be a place to put the children. Carolyn stated she was asking to amend this policy so that it says "professional liability insurance" a million per claim and then an aggregate as approved by the County Commissioners. This is at least for this first go-around where they have to find out what is feasible for people to carry. CTSI has been contacted and she is waiting for a call back from Marsh McClellan from our broker at Marsh, but at; east CTSI has agreed with what the private insurers have said, that this insurance is incredibility expense if you can get it. Commissioner McCown stated if we do it, it has to be consistent. Carolyn stated there might be a particular organization where Lynn would recommend to the Board that they could not get \$3 million but could only get \$2 million. Once the insurance certificates are returned, Lynn would have to contact each one stating the coverage. Commissioner McCown insisted this be consistent. Carolyn stated she was still talking to many of these agencies and would have to wait and see what they have.

CHILD CARE SUBCOMMITTEE UPDATE

Lynn enclosed in the Board's packet limited information about a public-private partnership initiative that is operational in Eagle county. Judy Osman and Lynn Renick had a conversation with the CTSI representative to clarify the insurance issue regarding CTSI coverage of liability if a child care program existed only for intergovernmental entities. Liability coverage would not cover such a program. The subcommittee has presented this information to the Personnel Committee and are requested to go forward, making contract with the Eagle Valley Child Care Association to further discuss their program and experiences, and to research advantages and disadvantages of either working with this non-profit organization or the feasibility of a separate similar venture.

STATE BUDGET ISSUES

Lynn reported that to date, no specific information has been received regarding further budget cuts in Social Services, however at the CCI Conference, there was a discussion that a proposal would be presented to the JBC on December 9 considering a 6% cue in County Administration allocation and County Contingency. Child Welfare, Child Care and Core Services has already received a 4% reduction, and are reportedly held harmless at the present time.

PROGRAM REPORTS

Lynn submitted the regular reports to the Commissioners for review.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown come out of the Board of Social Services. Motion carried.

Board of County Commissioners

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contracts for CMC in the amount of \$13,500 and authorize the Chair to sign both; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair's signature on the Child Support Enforcement Intergovernmental Agreement with Pitkin County; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the list as submitted for the out of home placement contracts; motion carried.

BOARD OF HEALTH

This was an update and no need to go into the Board of Health.

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Medically Underserved Population

Mary Meisner presented a letter addressed to Jerilyn Thornburg from the Commissioners stating the Board supports the Medically Underserved Population designation for the western end of Garfield County as a first step towards establishing a community health center. The letter also stated the Public Health Mission Statement of insuring all residents of Garfield County have access to resources that promote optimal health and well being of individuals and communities. Acquiring an MUP designation is a critical milestone in accomplishing this vision.

The reason for this designation is it entitles the Community Health Centers to a higher reimbursement rate and helps them break even to serve this population. This a Federally qualified health care system.

There are no monies required from the County, instead it is to bring federal dollars to help us meet some of the difficulty with the medically underserved. There are no matches required. The Commissioners do give them some money through the Human Services Block Grant that goes to the Columbine Community Health Center. This will actually expand Mountain Family Community Health down in the western end of the county.

Mary said that she has had meetings with their CEO and they are actually relocating over where the physician's offices are located. The hospital is going to give them that clinic area. If they don't get the certification, it makes it harder for them to provide services.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize all three Commissioners to sign the letter addressed to Jerilyn Thornburg regarding shortage of health resources and services in western Garfield County; motion carried.

REPORTS

Mary provided the Board with a brief report and mentioned her staff is working all year-end reports and strategic plans that are going to the State and County for 2003 and to tie up 2002. They are working closely with CDHP around the Colorado protocol for the Colorado vaccination of health care and public health response team throughout Colorado.

Small pox vaccinations – Mary briefly reported saying the bio terrorism will be reimbursing the time that Mary and Yye is working on this endeavor. These are dollars that were before now, unable to be accessed. Some of the travel expense will be paid and then the County will be reimbursed.

The Flu Campaign is winding down and 2,300 doses were given out Countywide with 150 doses left between the Rifle and Glenwood Springs Office.

She emphasized that stress will affect the immune system and therefore is a common factor in individuals getting ill with viral diseases. Jesse commented that 75 County employees were out last week with some similar symptoms of the flu. The flu vaccine covers three different types of flu.

WIC Caseloads are holding steady at 1,170 clients. The demand is up. Classes and mass enrollment are being done in an effort to more effective and efficient with their time and get more people into the WIC program.

Staff has reported to Mary that they are seeing people in need more so than ever before. They are seeing people who couldn't see themselves in this type of situation.

Christine, registered dietician attended an obesity workshop so she had the material that can help the County Wellness Team. This includes films and information on weight loss.

Handicap Children's Clinic is well attended from the Region; they are also seeing more complex and more involved cases coming in.

The Glenwood Springs wanted to let you all know that they very much appreciate the space at the Mountain View Building. It has made the client flow better, more efficient and effective design. Open House took place on December 4, 2002.

Mary received an e-mail today from CDPHE to advise there is a 6% decrease in material, child healthy, and reimbursement dollars for the 2003 budget. Mary added that they had predicted this when they were putting their budget together so the funding is still level and they are just not getting the amount they told us we might look at in July.

Oil and Gas Update - Time Line Extension - Proposed Rule Changes

Mark Bean stated this was consistent with the conversations and phone calls he's had and information shared with Chairman Martin in terms of other issues and this information is basically extending the time lines from 7 to 10 what was 10 to 20.

Chairman Martin added that it would cost us a whole lot more if we protest because it has to be a formal hearing and if this is the direction we wish to take, we will have to present expert witness under those new rules.

Mark said, after the ultimate 30-days.

County Road - Dry Hollow CR 331

Mark said that interestingly it appears that we have the application; it came out the 11th and an requesting a 10-day extension for further investigation into this issue. However, it appears that what was stated earlier today is correct. He will follow up in what their rights are and the second page makes some rather interesting offers in terms of improvements to the road.

Commissioner McCown updated Mark since he was not present when the citizens came before the Board. This is privately held road and there is a 160 acre parcel that is landlocked that is not accessed by this road. There are ten homeowners that own this private drive – it's County Road Dry Hollow and Bill Griffin kept referring to Chipperfield.

Mark stated Chipperfield (326 Road), dead ends and then it goes south and there's a public road that provides access to many 40-acre tracts.

Chairman Martin suggesting looking at this and suggested Mark call Mr. Griffin.

Mark said one of the things he found out is we have two different townships. That letter identifies 7 – 93 and the Oil and Gas Permit application on the website identifies 7 – 92. This is about six miles difference. The question is whether they will have to use this road or is there another alternative to gain access to the area in question.

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Commissioner McCown said in the Statute normally says the least impactful route that would be the shortest financial distance whatever.

Mark said he thought it was court ordered and they may have to take court action – it's not automatic. Commissioner McCown said the 2nd paragraph in the letter where it starts, "they are the working interest owner of 100% of the minerals underlying the access road to the drill site." Mr. Griffin said that the 10 homeowners actually own the property under the roadway and they owned a portion of the mineral rights under their property. This is a question, would a local designee get involved if this was a timbering dispute. This is a clear issue of right of way access, whether it's oil and gas.

Chairman Martin thought there was a different statute that governs that timber. Timber is an extract industry except you have to have clear access to go ahead and harvest it. He thought oil and gas had some new regulations that allow them to cross or mitigate their impact across properties.

Commissioner McCown didn't think oil and gas had any more right to access across public property than a timbering industry. They have rights, by statute, to access their mineral beneath the surface but they are no different than anyone else when it comes to getting across property across from it. This was part of the problem on Grass Mesa that started all of this fear of the trucks going up Grass Mesa. The Homeowners Association gave them an access up that private road and then when they started using it, it became a crisis, and they had to stop using it.

Mark requested 10-days in order to resolve this particular issue.

Commissioner McCown stated that Mr. Griffin stated the well was not permitted and the notice to drill was given on the 11th.

Mark agreed it has not been permitted; we get copies 7-days in advance of the actual issuance of a permit for EnCana and have the ability to ask for an additional 10-days.

Commissioner McCown – EnCana is notorious for drilling directional drilling. It will probably be 4 to 5 wells from this location.

Mark stated it appears that this site has some additional wells in that location, be it this is the correct description, that's the part that's confusing. This is statutory spacing of 40-acres.

Commissioner McCown said they could get four wells on this one location and take care of the 160-acres. Mark stated he had received another phone call from this area, they might be able to get 8 to go into two different formation.

EnCana is planning to do 200 wells this year.

A suggestion was made to have the homeowners go back and look at their lease and their attorney's are going to do just that. However, the group here today was to support a full time local government designee and we need the County to step up and take our fight on this issue.

Chairman Martin stated there is so much the County can do.

Local Government Designee - Direction

Commissioner McCown – of the budget this morning, should we go ahead and advertise for the position of LTD or do we want to wait until after the 15th of January and advertise for an independent contractor versus a part-time employee and that person, if the need arises later on could roll into full time employee.

Chairman Martin recommended getting the process underway.

Commissioner McCown noted that a job description has been roughed out and he would see the scope of work not being any different from the job description whether it's a private individual or a company as they contract.

Chairman Martin stated that the only authority given this Board is to hire a contract employee and we need to stay with the contract and get it advertised as such.

Jesse – with a ceiling of \$30,000 attached, do we put some percent of time in the description?

Commissioner McCown – no more than 20-hours a week minimum.

Jesse – the \$11,000 in the budget for mileage; under a contract employee that would be reimbursing them mileage on their car.

Commissioner McCown – We'll pay them the mileage.

Jesse told Mark the \$11,000 was in his motor pool budget item.

Commissioner McCown noted that we went through our entire road system with a very qualified part time individual and he would see someone very similar to that. There have been several retired engineers asking about this oil and gas auditor if it was a part time position. Part of the chores that individual has is we have to tract and document the need for this, either expansion, continuation or whatever.

Jesse, Judy, Mark and Ed will put together the ad for the LGD position.

Commissioner McCown noted that this individual would need to have as responsibilities as an auditor, a lawyer, a GIS person, background of the industry that would be able to identify a well site and we have to remember this individual has not enforcement authority to get off the road unless he's invited by a surface owner or the operator.

Discussion continued on the position and the justification of either a full time position or a contract person were included in the discussion.

Commissioner McCown made a valid point saying that by this person being an independent contractor, we would not be guiding this individual either pro industry or negative industry and how he/she carries their job. We give out the scope of work and let that person move forward.

Chairman Martin felt a contract position handcuffs the County because the day-to-day flow of information back and forth, so everyone feels comfortable is not there and supports this being an employee.

Information, keeping track of things that we are not now doing, why are we getting royalties, where is the property, and no one can say except for a well number.

Mark stated Rob has all the well numbers on the GIS.

Chairman Martin stated we have money in the Treasurer not allocated due to not being able to identify the location of the property. These funds can be used as well. EnCana's yearly drilling program, what are they going to do, where they are going, who is the contact and how do we get this information back and forth.

Mark said they would not give this information us. They always say they do not have one but we can try.

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Jesse – to keep in mind that once we identify the person and scope of work, he may have to come back to the Board in a supplemental budget to rearrange that \$11,000 in Mark’s motor pool line item.

Boards

Planning Commission Members

3 who want reappointment

1 new one

Board of Adjustment

Steve Boat

Jeff Simonson

Board of Appeals

Harold Shaffer

Don Van Hoose

Dick Hunt – Colorado River District – appointment expires

The Board directed Mark to advertise for

Adjourn

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

Attest:

Chairman of the Board
